

House of Assembly—No 47

As laid on the table and read a first time, 11 November 2014

South Australia

Statutes Amendment (Boards and Committees— Abolition and Reform) Bill 2014

A BILL FOR

An Act to provide for the abolition or reform of various boards, committees and other bodies; to streamline processes relating to various boards, committees and other bodies; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Adelaide Dolphin Sanctuary Act 2005*

- 4 Amendment of section 3—Interpretation
- 5 Amendment of section 9—Administration of Act to achieve objects and objectives
- 6 Amendment of section 11—ADS Management Plan
- 7 Substitution of heading to Part 3 Division 3
Division 3—Functions of Parks and Wilderness Council under this Act
- 8 Repeal of sections 12 to 16
- 9 Amendment of section 17—Functions of Parks and Wilderness Council under this Act
- 10 Repeal of sections 18 to 21
- 11 Amendment of section 22—ADS Fund
- 12 Amendment of section 55—Regulations
- 13 Transitional provision

Part 3—Amendment of *Animal Welfare Act 1985*

- 14 Amendment of section 3—Interpretation
- 15 Repeal of Part 2
- 16 Amendment of section 23—Animal ethics committees
- 17 Amendment of section 24—Procedure
- 18 Amendment of section 25—Functions of animal ethics committees
- 19 Amendment of section 44—Regulations
- 20 Transitional provisions

Part 4—Amendment of *ANZAC Day Commemoration Act 2005*

- 21 Amendment of section 6—Membership of Council
- 22 Amendment of section 7—Terms and conditions of membership
- 23 Amendment of section 8—Presiding member
- 24 Amendment of section 10—Remuneration
- 25 Amendment of section 11—Functions of Council
- 26 Amendment of section 13—Staff
- 27 Amendment of section 14—Annual report
- 28 Amendment of section 18—Restriction on public sports and entertainment before 12 noon on ANZAC Day

Part 5—Amendment of *Aquaculture Act 2001*

- 29 Amendment of section 3—Interpretation
- 30 Amendment of section 12—Procedure for making policies
- 31 Repeal of Part 10 Division 2
- 32 Transitional provision

Part 6—Amendment of *Botanic Gardens and State Herbarium Act 1978*

- 33 Amendment of section 7—Constitution of Board
- 34 Amendment of section 8—Terms and conditions of office

Part 7—Amendment of *Classification of Theatrical Performances Act 1978*

- 35 Amendment of section 4—Interpretation
- 36 Repeal of Part 2
- 37 Amendment of section 10—Application for classification
- 38 Amendment of section 11—Criteria to be applied by Council
- 39 Amendment of section 12—Classification of theatrical performances
- 40 Amendment of section 13—Conditions in respect of theatrical performances
- 41 Amendment of section 14—Powers of Council
- 42 Amendment of section 15—Notice
- 43 Amendment of section 16—Penalty for breach of condition
- 44 Amendment of section 17—Places where restricted theatrical performances may take place
- 45 Amendment of section 19—Certain actions not to constitute offences
- 46 Amendment of section 20—Evidentiary provision
- 47 Amendment of section 21—Power to enter and view performance
- 48 Transitional provisions

Part 8—Amendment of *Coast Protection Act 1972*

- 49 Amendment of section 4—Interpretation
- 50 Amendment of section 8—Membership of Board
- 51 Amendment of section 11—Allowances and expenses
- 52 Repeal of sections 15 to 17
- 53 Amendment of section 18—Advisory committees
- 54 Amendment of section 37—Regulations

Part 9—Amendment of *Correctional Services Act 1982*

- 55 Amendment of section 4—Interpretation
- 56 Repeal of Part 2 Division 2
- 57 Transitional provision

Part 10—Amendment of *Dog and Cat Management Act 1995*

- 58 Amendment of section 12—Composition of Board
- 59 Amendment of section 13—Deputies of members
- 60 Amendment of section 14—Conditions of membership
- 61 Amendment of section 16—Remuneration

Part 11—Amendment of *Dog Fence Act 1946*

- 62 Amendment of section 6—Members of board
- 63 Amendment of section 11—Casual vacancies
- 64 Amendment of section 12—Dismissal of member

Part 12—Amendment of *Emergency Management Act 2004*

- 65 Amendment of section 3—Interpretation
- 66 Amendment of section 6—Establishment of State Emergency Management Committee
- 67 Substitution of section 7
 - 7 Application of Public Sector (Honesty and Accountability) Act
- 68 Amendment of section 38—Regulations

Part 13—Amendment of *Fire and Emergency Services Act 2005*

- 69 Amendment of section 71—State Bushfire Coordination Committee
- 70 Amendment of section 73—State Bushfire Management Plan

Part 14—Amendment of *Fisheries Management Act 2007*

- 71 Amendment of section 3—Interpretation
- 72 Amendment of section 7—Objects of Act
- 73 Amendment of section 10—Delegation
- 74 Repeal of Part 3 Division 2
- 75 Amendment of section 20—Establishment of committees
- 76 Amendment of section 42—Preparation of management plans
- 77 Amendment of section 43—General nature and content of management plans
- 78 Amendment of section 44—Procedure for preparing management plans
- 79 Amendment of section 49—Review of management plans
- 80 Transitional provisions

Part 15—Amendment of *Gaming Machines Act 1992*

- 81 Amendment of section 73B—Charitable and Social Welfare Fund
- 82 Transitional provisions

Part 16—Amendment of *Gas Act 1997*

- 83 Amendment of section 16—Technical advisory committee

Part 17—Amendment of *Genetically Modified Crops Management Act 2004*

- 84 Amendment of section 9—Membership of Advisory Committee
- 85 Amendment of section 10—Terms and conditions of membership

Part 18—Amendment of *Health and Community Services Complaints Act 2004*

- 86 Amendment of section 4—Interpretation
- 87 Repeal of Part 8
- 88 Amendment of section 75—Preservation of confidentiality
- 89 Transitional provision

Part 19—Amendment of *Health Care Act 2008*

- 90 Amendment of long title
- 91 Amendment of section 3—Interpretation
- 92 Repeal of Part 3
- 93 Repeal of section 101
- 94 Repeal of Schedule 1
- 95 Amendment of Schedule 2—Health Advisory Councils
- 96 Transitional provision

Part 20—Amendment of *Health Services Charitable Gifts Act 2011*

- 97 Amendment of section 24—Advisory committees
- 98 Transitional provision

Part 21—Amendment of *Heritage Places Act 1993*

- 99 Amendment of section 5—Composition of Council
- 100 Amendment of section 6—Conditions of membership
- 101 Amendment of section 7—Proceedings of Council
- 102 Amendment of section 7A—Committees
- 103 Amendment of section 9—Remuneration

Part 22—Amendment of *Local Government Act 1999*

- 104 Amendment of section 4—Interpretation
- 105 Amendment of section 11—General provisions relating to proclamations
- 106 Amendment of section 12—Composition and wards
- 107 Substitution of heading to Chapter 3 Part 2
- 108 Repeal of Chapter 3 Part 2 Divisions 1 and 2
- 109 Amendment of section 26—Principles
- 110 Amendment of section 27—Council initiated proposals
- 111 Amendment of section 28—Public initiated submissions
- 112 Substitution of Chapter 3 Part 2 Division 6
 - Division 6—Submissions of proposals to Governor
 - 29 Submissions of proposals to Governor
- 113 Amendment of section 30—Report if proposal rejected
- 114 Amendment of section 31—Report if proposal submitted to poll
- 115 Amendment of section 32—Provision of reports to councils
- 116 Amendment of section 34—Error or deficiency in address, recommendation, notice or proclamation
- 117 Amendment of section 303—Regulations
- 118 Amendment of Schedule 1A—Implementation of Stormwater Management Agreement
- 119 Amendment of Schedule 5—Documents to be made available by councils
- 120 Transitional provisions

Part 23—Amendment of *Marine Parks Act 2007*

- 121 Amendment of section 3—Interpretation
- 122 Amendment of heading to Part 4 Division 2
- 123 Repeal of sections 24 to 28
- 124 Repeal of section 30
- 125 Amendment of section 63—Regulations
- 126 Transitional provision

Part 24—Amendment of *Motor Vehicles Act 1959*

- 127 Amendment of section 5—Interpretation
- 128 Repeal of section 98Y
- 129 Substitution of section 98Z
 - 98Z Review by Registrar
- 130 Amendment of section 98ZA—Appeal to District Court
- 131 Transitional provisions

Part 25—Amendment of *National Parks and Wildlife Act 1972*

- 132 Amendment of section 5—Interpretation
- 133 Amendment of section 11—Wildlife Conservation Fund
- 134 Amendment of section 12—Delegation
- 135 Substitution of Part 2 Division 2, 2A and 2B
 - Division 2—The Parks and Wilderness Council
 - 15 Establishment and membership of the Council
 - 16 Terms and conditions of membership
 - 17 Remuneration
 - 18 Vacancies or defects in appointment of members
 - 19 Direction and control of the Minister
 - 19A Proceedings of the Council
 - 19B Conflict of interest under Public Sector (Honesty and Accountability) Act
 - 19C Functions of the Council

	19D	Annual report
136		Amendment of section 38—Management plans
137		Amendment of section 45A—Interpretation and application
138		Amendment of section 45B—Development Trusts
139		Repeal of section 45BA
140		Amendment of section 45F—Functions of Trust
141		Amendment of heading to Part 3A Division 2
142		Amendment of section 45M—Establishment of Fund
143		Amendment of section 45N—Investment of the fund
144		Amendment of section 45O—Accounts and auditing
145		Insertion of Schedules 12 and 13
		Schedule 12—Dissolution of General Reserves Trust
	1	Interpretation
	2	Dissolution of General Reserves Trust
	3	Vesting of property etc in Minister
		Schedule 13—Transitional provision relating to <i>Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014</i>
	1	Transitional regulations
146		Transitional provision
		Part 26—Amendment of <i>Native Vegetation Act 1991</i>
147		Amendment of section 8—Membership of Council
148		Amendment of section 9—Conditions of office
149		Amendment of section 10—Allowances and expenses
150		Amendment of section 16—Staff
151		Amendment of section 25—Guidelines for application of assistance and management of native vegetation
152		Amendment of section 29—Provisions relating to consent
153		Amendment of Schedule 2—Transitional provisions
		Part 27—Amendment of <i>Natural Resources Management Act 2004</i>
154		Amendment of section 3—Interpretation
155		Amendment of section 10—Functions of Minister
156		Repeal of Chapter 3 Part 2
157		Amendment of section 22—Establishment of regions
158		Amendment of section 23—Establishment of boards
159		Amendment of section 25—Composition of boards
160		Amendment of section 26—Conditions of membership
161		Amendment of section 27—Allowances and expenses
162		Amendment of section 29—Functions of boards
163		Amendment of section 30—General powers
164		Amendment of section 35—Committees
165		Amendment of section 39—Specific reports
166		Repeal of section 40
167		Amendment of section 45—Establishment of areas
168		Amendment of section 48—Composition of NRM groups
169		Amendment of section 74—State NRM Plan
170		Amendment of section 75—Regional NRM plans
171		Amendment of section 79—Preparation of plans and consultation
172		Amendment of section 80—Submission of plan to Minister
173		Amendment of section 81—Review and amendment of plans
174		Amendment of section 95—Imposition of levy by councils

-
- 175 Amendment of section 122—Special provisions relating to land
176 Amendment of section 129—Activities not requiring a permit
177 Repeal of section 228
178 Amendment of Schedule 1—Provisions relating to regional NRM boards and NRM groups
179 Amendment of Schedule 4—Repeals and transitional provisions
180 Transitional provision

Part 28—Amendment of *Office for the Ageing Act 1995*

- 181 Amendment of long title
182 Repeal of Part 3
183 Transitional provision

Part 29—Amendment of *Opal Mining Act 1995*

- 184 Amendment of section 43—Registration of agreement

Part 30—Amendment of *Pastoral Land Management and Conservation Act 1989*

- 185 Amendment of section 3—Interpretation
186 Amendment of section 5—Duty of Minister
187 Amendment of section 9—Pastoral Land Management Fund
188 Amendment of section 10—Power of Minister to delegate
189 Repeal of Part 3 Division 2
190 Amendment of section 19—Grant of leases
191 Amendment of section 20—Assessment of land prior to grant of lease
192 Amendment of section 22—Conditions of pastoral leases
193 Amendment of section 23—Rent
194 Amendment of section 24—Term of pastoral leases
195 Amendment of section 25—Assessment of land
196 Repeal of sections 25A and 25B
197 Amendment of section 26—Extension of term of pastoral leases and variation of conditions
198 Amendment of section 31—Alteration of boundaries
199 Amendment of section 31A—Variation of land subject to lease
200 Amendment of section 33—Abandonment of land
201 Amendment of section 35—Penalties for late payment of rent
202 Amendment of section 36—Waiver
203 Amendment of section 37—Cancellation of lease or imposition of fine on breach of conditions
204 Amendment of section 38—Cancellation of pastoral lease obtained by false statement
205 Amendment of section 40—Notice of adverse action to be given to holders of registered interests or caveats
206 Amendment of section 41—Property plans
207 Amendment of section 42—Verification of stock levels
208 Amendment of section 43—Notices to destock or take other action
209 Amendment of section 44—Reference areas
210 Amendment of section 45—Establishment of public access routes and stock routes
211 Amendment of section 52—Powers and procedures of the Tribunal
212 Amendment of section 58—Notice to be given of cattle muster
213 Amendment of section 59—Right to take water
214 Amendment of section 61—Powers of entry etc
215 Amendment of section 66—Certain debts are charges over leases

216 Amendment of Schedule—Transitional provisions

Part 31—Amendment of *Phylloxera and Grape Industry Act 1995*

- 217 Amendment of section 3—Interpretation
- 218 Amendment of section 5—Constitution of Board
- 219 Repeal of Part 2 Division 2
- 220 Amendment of section 26—Report
- 221 Insertion of section 28
 - 28 Power of delegation
- 222 Amendment of section 30—Regulations
- 223 Transitional provision

Part 32—Amendment of *Public Employees Housing Act 1987*

- 224 Repeal of section 5
- 225 Transitional provision

Part 33—Amendment of *SACE Board of South Australia Act 1983*

- 226 Amendment of Schedule 1—Designated entities

Part 34—Amendment of *South Australian Forestry Corporation Act 2000*

- 227 Amendment of section 4—Interpretation
- 228 Amendment of section 9—Common seal and execution of documents
- 229 Substitution of section 10
 - 10 Establishment of board
- 230 Amendment of section 11—Conditions of membership
- 231 Amendment of section 14—Board proceedings

Part 35—Amendment of *South Australian Housing Trust Act 1995*

- 232 Amendment of section 18—Committees
- 233 Transitional provision

Part 36—Amendment of *South Australian Motor Sport Act 1984*

- 234 Amendment of Long title
- 235 Amendment of section 3—Interpretation
- 236 Substitution of heading to Part 2
- 237 Repeal of Part 2 Division 1
- 238 Repeal of heading to Part 2 Division 2
- 239 Amendment of section 10—Functions and powers of Commission
- 240 Amendment of section 10AA—Non-application of *Government Business Enterprises (Competition) Act 1996*
- 241 Repeal of section 10A
- 242 Amendment of section 11—Commission may control and charge fee for filming etc from outside circuit
- 243 Repeal of section 12
- 244 Repeal of Part 2 Divisions 3 and 4
- 245 Amendment of section 20—Minister may make certain declarations
- 246 Amendment of section 21—Commission to have care, control etc of declared area for relevant declared period
- 247 Amendment of section 22—Commission to have power to enter and carry out works etc on declared area
- 248 Amendment of section 23—Commission to consult and take into account representations of persons affected by operations

- 249 Amendment of section 24—Certain land taken to be lawfully occupied by Commission
- 250 Amendment of section 25—Non-application of certain laws
- 251 Amendment of section 26—Plans of proposed works to be available for public inspection
- 252 Amendment of section 27—Power to remove vehicles left unattended within declared area
- 253 Amendment of section 27AB—Application of sections 27B and 27C
- 254 Repeal of section 28
- 255 Amendment of section 28AA—Declaration of official titles
- 256 Amendment of section 28A—Special proprietary interests
- 257 Amendment of section 28B—Seizure and forfeiture of goods
- 258 Repeal of section 29
- 259 Amendment of section 30—Regulations
- 260 Insertion of Schedule 1

Schedule 1—Transitional provisions

- 1 Interpretation
- 2 Dissolution of Board
- 3 Staff
- 4 Vesting of property etc in Commission
- 5 Regulations

Part 37—Amendment of *South Australian Multicultural and Ethnic Affairs Commission Act 1980*

- 261 Amendment of section 6—Constitution of Commission
- 262 Amendment of section 7—Remuneration of members
- 263 Amendment of section 8—Removal from and vacancies of office

Part 38—Amendment of *South Australian Tourism Commission Act 1993*

- 264 Amendment of section 3—Object
- 265 Amendment of section 4—Interpretation
- 266 Amendment of section 5—Establishment of Commission
- 267 Substitution of Part 2 Divisions 2, 3 and 4

Division 2—Constitution of Commission

- 6 Constitution of Commission
- 7 Acting CEO
- 8 Ministerial control

Division 3—CEO

- 9 Conditions of appointment
- 10 Saving provision
- 11 Delegation
- 12 Staff and resources
- 268 Amendment of section 19—Functions of Commission
- 269 Amendment of section 20—Powers of Commission
- 270 Amendment of section 25—Protection of names
- 271 Amendment of section 26—Regulations
- 272 Transitional provisions

Part 39—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

- 273 Repeal of section 29
- 274 Amendment of section 31—Advisory committees
- 275 Amendment of section 32—Terms and conditions of office
- 276 Transitional provision

Part 40—Amendment of *State Lotteries Act 1966*

- 277 Amendment of section 3—Interpretation
- 278 Amendment of section 4—Constitution of Commission
- 279 Amendment of section 5—Term of office of Commissioner
- 280 Substitution of sections 6 and 7
 - 6 Removal from office
- 281 Amendment of section 8—Vacancy in office of Commissioner
- 282 Substitution of section 9
 - 9 Acting Commissioner
- 283 Amendment of section 11—Validity of acts of Commission
- 284 Repeal of section 12
- 285 Insertion of section 18C
 - 18C Tax and other liabilities of Commission
- 286 Amendment of section 19—Offences
- 287 Amendment of section 20—Regulations
- 288 Transitional provision

Part 41—Amendment of *Supported Residential Facilities Act 1992*

- 289 Amendment of section 3—Interpretation
- 290 Repeal of Part 3 Division 2
- 291 Repeal of section 19
- 292 Amendment of section 25—Matters to be considered in granting a licence
- 293 Amendment of section 29—Licence conditions
- 294 Amendment of section 57—Regulations
- 295 Transitional provisions

Part 42—Amendment of *Training and Skills Development Act 2008*

- 296 Amendment of section 4—Interpretation
- 297 Amendment of section 10—Functions of Commission
- 298 Repeal of Part 2 Division 3
- 299 Repeal of section 68
- 300 Amendment of section 79—Regulations
- 301 Repeal of Schedule 1
- 302 Transitional provisions

Part 43—Amendment of *Urban Renewal Act 1995*

- 303 Amendment of section 7—Committees and subcommittees
- 304 Transitional provision

Part 44—Amendment of *Wilderness Protection Act 1992*

- 305 Amendment of section 3—Interpretation
- 306 Amendment of heading to Part 2 Division 2
- 307 Repeal of sections 8 to 10
- 308 Amendment of section 11—Functions of Parks and Wilderness Council under this Act
- 309 Amendment of section 12—Wilderness code of management
- 310 Amendment to section 13—Appointment of wardens
- 311 Amendment of section 22—Constitution of wilderness protection areas and wilderness protection zones
- 312 Amendment of section 28—Control and administration of wilderness protection areas and zones
- 313 Repeal of section 30
- 314 Amendment of section 31—Plans of management

315	Amendment of section 33A—Co-management of wilderness protection areas or zones
316	Amendment of section 38A—Entrance fees etc for wilderness protection areas or zones
317	Amendment of section 41—Regulations
318	Transitional provision

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.

5 **2—Commencement**

- (1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.
- (2) Section 80(1) to (3) (inclusive) will come into operation on the day on which this Act is assented to by the Governor.
- 10 (3) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or a provision of this Act.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

15 **Part 2—Amendment of *Adelaide Dolphin Sanctuary Act 2005***

4—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *ADS Advisory Board*—delete the definition
- (2) Section 3(1)—after the definition of *implementation program* insert:

20 *Parks and Wilderness Council* means the Parks and Wilderness Council established under the *National Parks and Wildlife Act 1972*;

5—Amendment of section 9—Administration of Act to achieve objects and objectives

Section 9—delete "the ADS Advisory Board" and substitute:
the Parks and Wilderness Council

25 **6—Amendment of section 11—ADS Management Plan**

- (1) Section 11(5)(b)—delete "the ADS Advisory Board" and substitute:
the Parks and Wilderness Council
- (2) Section 11(7)(a)—delete "the ADS Advisory Board" and substitute:
the Parks and Wilderness Council

7—Substitution of heading to Part 3 Division 3

Heading to Part 3 Division 3—delete the heading and substitute:

Division 3—Functions of Parks and Wilderness Council under this Act

8—Repeal of sections 12 to 16

Sections 12 to 16 (inclusive)—delete the sections

9—Amendment of section 17—Functions of Parks and Wilderness Council under this Act

Section 17—delete "Board" wherever occurring and substitute in each case:

10 Parks and Wilderness Council

10—Repeal of sections 18 to 21

Sections 18 to 21 (inclusive)—delete the sections

11—Amendment of section 22—ADS Fund

Section 22(5)—delete "ADS Advisory Board" and substitute:

15 Parks and Wilderness Council

12—Amendment of section 55—Regulations

Section 55—after subsection (2) insert:

- 20 (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
- (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- 25 (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- 30 (a) decreasing the person's rights; or
(b) imposing liabilities on the person.

13—Transitional provision

A member of the Adelaide Dolphin Sanctuary Advisory Board ceases to hold office on the commencement of this section.

Part 3—Amendment of *Animal Welfare Act 1985*

14—Amendment of section 3—Interpretation

- (1) Section 3—after the definition of *animal* insert:

animal ethics committee means—

- 5 (a) an animal ethics committee established under section 23; or
 (b) a body approved by the Minister as an animal ethics committee for
 the purposes of this Act;

- (2) Section 3, definition of *the Committee*—delete the definition

15—Repeal of Part 2

- 10 Part 2—delete Part 2

16—Amendment of section 23—Animal ethics committees

- (1) Section 23(1)—delete subsection (1)

- (2) Section 23(3), (4) and (5)—delete "Minister" wherever occurring and substitute in
each case:

- 15 licensee

- (3) Section 23(6)—delete subsections (6) and (7) and substitute:

- (6) A member of an animal ethics committee is appointed on such terms
and conditions as may be determined by the licensee.

17—Amendment of section 24—Procedure

- 20 Section 24(1)—delete subsection (1) and substitute:

- (1) The quorum of an animal ethics committee established under this Act
consists of 5 members of whom—

- (a) 1 must be a member appointed under section 23(3)(a); and
(b) 1 must be a member appointed under section 23(3)(b); and
25 (c) 1 must be a member appointed under section 23(3)(c); and
(d) 1 must be a member appointed under section 23(3)(d); and
(e) 1 must be a member appointed under section 23(3)(e).

18—Amendment of section 25—Functions of animal ethics committees

Section 25(1)(e)—delete "the Minister with"

19—Amendment of section 44—Regulations

Section 44—after subsection (5) insert:

- (6) The Governor may, by regulation, make additional provisions of a
saving or transitional nature consequent on the enactment of the
*Statutes Amendment (Boards and Committees—Abolition and
35 Reform) Act 2014*.

(7) A provision of a regulation made under subsection (6) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.

(8) To the extent to which a provision takes effect under subsection (7) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—

- (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

20—Transitional provisions

(1) In this section—

principal Act means the *Animal Welfare Act 1985*;

relevant date means the day on which section 16(1) of this Act comes into operation.

(2) A member of the Animal Welfare Advisory Committee ceases to hold office on the commencement of this subsection.

(3) Despite section 16(1) of this Act, an animal ethics committee established by the Minister under section 23 of the principal Act and in existence immediately before the relevant date continues as an animal ethics committee for the purposes of the principal Act until a date determined by the Minister (and the provisions of Part 4 Division 2 of the principal Act as in force immediately before the relevant date will continue to apply in relation to the committee).

Part 4—Amendment of *ANZAC Day Commemoration Act 2005*

21—Amendment of section 6—Membership of Council

(1) Section 6(1)—delete "Governor on the nomination of the Premier made" and substitute:

Minister

(2) Section 6(2)—delete "Premier must, as far as practicable, nominate equal numbers of men and women for appointment" and substitute:

Minister must, as far as practicable, appoint equal numbers of men and women

22—Amendment of section 7—Terms and conditions of membership

(1) Section 7(1)—delete "Governor" and substitute:

Minister

(2) Section 7(2)—delete "Governor" and substitute:

Minister

(3) Section 7(3)—delete "Governor" and substitute:

Minister

(4) Section 7(4)(c)—delete "Premier" and substitute:

Minister

(5) Section 7(5)—delete "Governor" and substitute:

Minister

5 **23—Amendment of section 8—Presiding member**

Section 8—delete "Premier" and substitute:

Minister

24—Amendment of section 10—Remuneration

Section 10—delete "Governor" and substitute:

10 Minister

25—Amendment of section 11—Functions of Council

Section 11(b)—delete "Premier" and substitute:

Minister

26—Amendment of section 13—Staff

15 Section 13(1)—delete "Premier" and substitute:

Minister

27—Amendment of section 14—Annual report

(1) Section 14(1)—delete "Premier" and substitute:

Minister

20 (2) Section 14(3)—delete "Premier" and substitute:

Minister

**28—Amendment of section 18—Restriction on public sports and entertainment
before 12 noon on ANZAC Day**

(1) Section 18(1)—delete "Premier" and substitute:

25 Minister

(2) Section 18(3)—delete "Premier" and substitute:

Minister

(3) Section 18(4)—delete "Premier" wherever occurring and substitute in each case:

Minister

30 (4) Section 18(5)(a)—delete "Premier" wherever occurring and substitute in each case:

Minister

(5) Section 18(6)—delete "Premier" and substitute:

Minister

Part 5—Amendment of *Aquaculture Act 2001*

29—Amendment of section 3—Interpretation

Section 3, definition of *AAC*—delete the definition

30—Amendment of section 12—Procedure for making policies

- 5 (1) Section 12(2)—delete subsection (2)
- (2) Section 12(6) and (7)—delete subsections (6) and (7) and substitute:
- (6) After considering all matters raised as a result of consultation under subsection (5), the Minister may—
- 10 (a) by notice in the Gazette, approve the draft policy; or
- (b) alter the draft policy as the Minister thinks fit and, by notice in the Gazette, approve the draft policy as altered; or
- (c) decline to approve the draft policy.

31—Repeal of Part 10 Division 2

Part 10 Division 2—delete Division 2

32—Transitional provision

A member of the Aquaculture Advisory Committee ceases to hold office on the commencement of this section.

Part 6—Amendment of *Botanic Gardens and State Herbarium Act 1978*

33—Amendment of section 7—Constitution of Board

Section 7—delete "Governor" and substitute:

Minister

34—Amendment of section 8—Terms and conditions of office

Section 8—delete "Governor" wherever occurring and substitute in each case:

25 Minister

Part 7—Amendment of *Classification of Theatrical Performances Act 1978*

35—Amendment of section 4—Interpretation

- (1) Section 4, definition of *the Board*—delete the definition
- 30 (2) Section 4—after the definition of *child* insert:
- Council* means the South Australian Classification Council established under the *Classification (Publications, Films and Computer Games) Act 1995*;

- (3) Section 4, definition of *restricted theatrical performance*—delete the definition and substitute:

Registrar means the Registrar of the Council;

restricted theatrical performance—see section 12(2);

5 **36—Repeal of Part 2**

Part 2—delete Part 2

37—Amendment of section 10—Application for classification

- (1) Section 10(1)—delete "Board" and substitute:

Council

- 10 (2) Section 10(2)—delete "Board" and substitute:

Council

38—Amendment of section 11—Criteria to be applied by Council

- (1) Section 11(1)—delete "Board" and substitute:

Council

- 15 (2) Section 11(2)—delete "Board" and substitute:

Council

39—Amendment of section 12—Classification of theatrical performances

- (1) Section 12(1)—delete "Board" and substitute:

Council

- 20 (2) Section 12(2)—delete "Board" and substitute:

Council

- (3) Section 12(3)—delete "Board" and substitute:

Council

40—Amendment of section 13—Conditions in respect of theatrical performances

- 25 (1) Section 13(1)—delete "Board" wherever occurring and substitute in each case:

Council

- (2) Section 13(2)—delete "Board" and substitute:

Council

30 **41—Amendment of section 14—Powers of Council**

- (1) Section 14(1)—delete "Board" wherever occurring and substitute in each case:

Council

- (2) Section 14(2)—delete "Board" wherever occurring and substitute in each case:

Council

- (3) Section 14(3)—delete "Board" and substitute:

Council

42—Amendment of section 15—Notice

- Section 15(1)—delete "Board" and substitute:

5 Council

43—Amendment of section 16—Penalty for breach of condition

- Section 16—delete "Board" and substitute:

Council

44—Amendment of section 17—Places where restricted theatrical performances may take place

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- Section 17(1)—delete "Board" and substitute:

Council

45—Amendment of section 19—Certain actions not to constitute offences

- Section 19(1)—delete "Board" wherever occurring and substitute in each case:

15 Council

46—Amendment of section 20—Evidentiary provision

- Section 20—delete "Board" wherever occurring and substitute in each case:

Council

47—Amendment of section 21—Power to enter and view performance

20

- Section 21(2)—delete "Board" wherever occurring and substitute in each case:

Council

48—Transitional provisions

- (1) In this section—

25 ***Board*** has the same meaning as in the principal Act as in force immediately before the relevant day;

principal Act means *Classification of Theatrical Performances Act 1978*;

relevant day means the day on which section 36 of this Act comes into operation.

- (2) A request for classification in relation to a theatrical performance made by a person under section 10 of the principal Act but not yet determined by the Board immediately before the relevant day will, on the relevant day, be taken to be a request for classification by the Council under that section.

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- (3) A classification by the Board in relation to a theatrical performance under section 12 of the principal Act and in force immediately before the relevant day will, on the relevant day, be taken to be a classification by the Council under that section in relation to that performance.

35

- (4) A decision by the Board to refrain from assigning a classification to a theatrical performance made under section 12 of the principal Act and in force immediately before the relevant day will, on the relevant day, be taken to be a decision by the Council under that section in relation to that performance.
- 5 (5) A condition imposed by the Board under section 13 of the principal Act in respect of a theatrical performance and in force immediately before the relevant day will, on the relevant day, be taken to be a condition imposed by the Council under that section in respect of that performance.
- 10 (6) An approval by the Board of a theatre under section 17(1) of the principal Act and in force immediately before the relevant day will, on the relevant day, be taken to be an approval by the Council of the theatre under that section.
- (7) A member of the Board ceases to hold office on the commencement of this subsection.

Part 8—Amendment of *Coast Protection Act 1972*

49—Amendment of section 4—Interpretation

- 15 (1) Section 4, definition of *appointed member*—delete "by the Governor"
- (2) Section 4, definition of *consultative committee*—delete the definition

50—Amendment of section 8—Membership of Board

Section 8—delete "Governor" wherever occurring and substitute in each case:
Minister

51—Amendment of section 11—Allowances and expenses

20 Section 11—delete "Governor" and substitute:
Minister

52—Repeal of sections 15 to 17

Sections 15 to 17 (inclusive)—delete the sections

53—Amendment of section 18—Advisory committees

25 Section 18—after subsection (2) insert:

- 30 (3) The Board must, in acting under this section, comply with any guidelines issued by the Minister for the purposes of this section (which may include a requirement for the approval of the Minister before a Committee, or Committee of a specified class, may be established under subsection (1)).

54—Amendment of section 37—Regulations

Section 37(2)(a)—delete "and consultative committees"

Part 9—Amendment of *Correctional Services Act 1982*

55—Amendment of section 4—Interpretation

35 Section 4(1), definition of *the Advisory Council*—delete the definition

56—Repeal of Part 2 Division 2

Part 2 Division 2—delete Division 2

57—Transitional provision

5 A member of the Correctional Services Advisory Council ceases to hold office on the commencement of this section.

Part 10—Amendment of *Dog and Cat Management Act 1995*

58—Amendment of section 12—Composition of Board

Section 12(1) and (3)—delete "Governor" wherever occurring and substitute in each case:

10 Minister

59—Amendment of section 13—Deputies of members

Section 13(1)—delete "Governor" and substitute:

Minister

60—Amendment of section 14—Conditions of membership

15 (1) Section 14(1)(a)—delete "Governor" and substitute:

Minister

(2) Section 14(2)—delete subsection (2) and substitute:

(2) The Minister may at any time remove a member of the Board from office after consultation with the LGA.

61—Amendment of section 16—Remuneration

20 Section 16—delete "Governor" and substitute:

Minister

Part 11—Amendment of *Dog Fence Act 1946*

62—Amendment of section 6—Members of board

25 (1) Section 6(1)—after "members" insert:

appointed by the Minister

(2) Section 6(1)—delete "appointed by the Governor on the nomination of" wherever occurring and substitute in each case:

nominated by

30 (3) Section 6(1)(b)—delete "South Australian Farmers Federation Inc" and substitute:

Primary Producers SA Incorporated

(4) Section 6(1)(c)—delete "NRM Council" and substitute:

Minister responsible for the administration of the *Natural Resources Management Act 2004*

(5) Section 6(3)—delete subsection (3)

63—Amendment of section 11—Casual vacancies

Section 11(2)—delete "Governor" wherever occurring and substitute in each case:

Minister

5 **64—Amendment of section 12—Dismissal of member**

Section 12—delete "Governor" wherever occurring and substitute in each case:

Minister

Part 12—Amendment of *Emergency Management Act 2004*

65—Amendment of section 3—Interpretation

10 Section 3, definition of *appointed member*—delete the definition

66—Amendment of section 6—Establishment of State Emergency Management Committee

Section 6(2) to (6)—delete subsections (2) to (6) (inclusive) and substitute:

- 15 (2) The Minister must prepare guidelines (the *SEMC membership guidelines*) setting out—
- (a) the members of SEMC (other than the members referred to in subsection (4)(a)(i) and (ii)) who will hold office *ex officio*; and
 - (b) in the case of members appointed to SEMC by the presiding officer (*appointed members*)—
 - 20 (i) the qualifications and expertise of those members; and
 - (ii) procedural matters governing the appointment of those members; and
 - (c) the terms and conditions under which members will hold office, including—
 - 25 (i) the term of office of appointed members and their eligibility for reappointment; and
 - (ii) conditions of membership of appointed members; and
 - 30 (iii) allowances and expenses of members; and
 - (iv) removal of appointed members; and
 - (v) circumstances under which the office of an appointed member becomes vacant; and
 - 35 (d) any other prescribed matters.
- (3) The SEMC membership guidelines must be published in a manner and form determined by the Minister.

- (4) SEMC consists of—
- (a) the following persons, who will hold office *ex officio*:
- (i) the presiding member, being the person for the time being holding or acting in the position of chief executive of the administrative unit that has, subject to the Minister, responsibility for administering this Act; and
- (ii) the State Co-ordinator; and
- (iii) such other persons specified in the SEMC membership guidelines as in force from time to time as members who will hold office *ex officio*; and
- (b) at least 2, but not more than 4, persons appointed by the presiding member in accordance with the SEMC membership guidelines as in force from time to time.
- (5) A member of SEMC may appoint a suitable person to be the member's deputy and that person may, in the absence of that member, act as a member of SEMC.
- (6) Members of SEMC will hold office on terms and conditions set out in the SEMC membership guidelines as in force from time to time.

67—Substitution of section 7

Section 7—delete the section and substitute:

7—Application of Public Sector (Honesty and Accountability) Act

The *Public Sector (Honesty and Accountability) Act 1995* applies to the members of SEMC as if the committee were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.

68—Amendment of section 38—Regulations

Section 38—after subsection (2) insert:

- (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
- (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or

- (b) imposing liabilities on the person.

Part 13—Amendment of *Fire and Emergency Services Act 2005*

69—Amendment of section 71—State Bushfire Coordination Committee

- (1) Section 71(2)(b)—after subparagraph (ix) insert:

(ixa) 1 officer of the administrative unit of the Public Service primarily responsible for assisting the relevant Minister in the administration of the *Natural Resources Management Act 2004*, nominated by the Chief Executive of that administrative unit;

- (2) Section 71(2)(b)(xvi)—delete subparagraph (xvi)

- (3) Section 71(2)(b)(xvii)—delete "South Australian Farmers Federation Incorporated" and substitute:

Primary Producers SA Incorporated

70—Amendment of section 73—State Bushfire Management Plan

- (1) Section 73(7)(b)(v)—delete subparagraph (v) and substitute:

(v) the Minister responsible for the administration of the *Natural Resources Management Act 2004*; and

- (2) Section 73(7)(b)(vi)—delete "South Australian Farmers Federation Incorporated" and substitute:

Primary Producers SA Incorporated

Part 14—Amendment of *Fisheries Management Act 2007*

71—Amendment of section 3—Interpretation

Section 3(1), definition of *Fisheries Council* or *Council*—delete the definition

72—Amendment of section 7—Objects of Act

Section 7(4)—delete ", the Council"

73—Amendment of section 10—Delegation

Section 10(1)—delete subsection (1) and substitute:

- (1) The Minister may delegate a function or power of the Minister under this Act (other than this power of delegation) to the Director or any other person or body (including a person for the time being holding or acting in a specified office or position).

74—Repeal of Part 3 Division 2

Part 3 Division 2—delete Division 2

75—Amendment of section 20—Establishment of committees

- (1) Section 20(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:
- (1) The Minister may establish committees to provide advice to the Minister on any matter related to the administration of this Act.
 - (2) The members of a committee established under this section will be appointed by the Minister and hold office for a term and on conditions determined by the Minister.
- (2) Section 20(6)—delete subsection (6)

76—Amendment of section 42—Preparation of management plans

Section 42—delete "The Council must, if required by the Minister," and substitute:
The Minister may

77—Amendment of section 43—General nature and content of management plans

- (1) Section 43(1)(f)(i)—delete subparagraph (i) and substitute:
- (i) the advice of any committee established by the Minister for that purpose; and
- (2) Section 43(3)—delete "at the time the Minister requested the Council to prepare the plan" and substitute:
at the time the Minister decided to prepare the plan

78—Amendment of section 44—Procedure for preparing management plans

- (1) Section 44(1), (2) and (3)—delete "The Council" wherever occurring and substitute in each case:
The Minister
- (2) Section 44(3)(a)(i)—delete subparagraph (i)
- (3) Section 44(3)(a)(iv)—delete "Council" and substitute:
Minister
- (4) Section 44(3)(b)(iv)—delete "Council" and substitute:
Minister
- (5) Section 44(4) and (5)—delete subsections (4) and (5) and substitute:
- (4) However, the Minister may, in relation to a particular draft management plan, dispense with the requirement for the holding of a public hearing if satisfied that it is not warranted in the circumstances.
 - (5) If written submissions are made in response to an advertisement published under subsection (3)(b), a copy of those submissions must be made available for inspection by interested persons during ordinary business hours at an office specified by the Minister from the end of the period specified for the making of submissions until a date determined by the Minister.

- (6) Section 44(6)—delete "Council" and substitute:

Minister

- (7) Section 44(7) and (8)—delete subsections (7) and (8) and substitute:

(7) After consulting with and considering the advice of the persons and bodies referred to in subsection (3)(a) on—

- (a) the provisions of the draft management plan; and
- (b) all matters raised as a result of public consultation under this section; and
- (c) any alterations that the Minister proposes should be made to the draft management plan,

the Minister may—

- (d) adopt the draft management plan; or
- (e) alter the draft management plan and adopt the draft management plan as altered; or
- (f) decline to adopt the draft management plan.

- (8) Section 44(12)—delete "the Council or"

79—Amendment of section 49—Review of management plans

- (1) Section 49(1) and (2)—delete "The Council" wherever occurring and substitute in each case:

The Minister

- (2) Section 49(3) and (4)—delete subsections (3) and (4) and substitute:

(3) The Minister must prepare a report on the outcome of a review under this section within 12 months after the commencement of the review.

(4) The Minister must, within 12 sitting days after completing the report, cause copies of the report to be laid before both Houses of Parliament.

80—Transitional provisions

- (1) In this section—

Minister means the Minister responsible for the administration of the *Fisheries Management Act 2007*.

- (2) The Fisheries Council of South Australia must, before a day fixed by the Minister for the purposes of this subsection (if any), prepare and submit to the Minister a report on the operations of the Council during a period determined by the Minister.

- (3) The Minister must, within 12 sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

- (4) A member of the Fisheries Council of South Australia ceases to hold office on the commencement of this subsection.

Part 15—Amendment of *Gaming Machines Act 1992*

81—Amendment of section 73B—Charitable and Social Welfare Fund

- (1) Section 73B(3)—delete "a board that must be established by the Minister responsible for the administration of the *Family and Community Services Act 1972* for the purpose" and substitute:

the Minister responsible for the administration of the *Family and Community Services Act 1972*

- (2) Section 73B(4) and (5)—delete subsections (4) and (5)

82—Transitional provisions

A member of the board established under section 73B(3) of the *Gaming Machines Act 1992* as in force immediately before the commencement of section 81 of this Act ceases to hold office on the commencement of this section.

Part 16—Amendment of *Gas Act 1997*

83—Amendment of section 16—Technical advisory committee

Section 16—after its present contents (now to be designated as subsection (1)) insert:

- (2) The technical advisory committee is the same committee as the committee of that name established under Part 2 Division 4 of the *Electricity Act 1996* and has the functions referred to in subsection (1) in addition to its functions under that Division.

Part 17—Amendment of *Genetically Modified Crops Management Act 2004*

84—Amendment of section 9—Membership of Advisory Committee

Section 9(1)—delete subsection (1) and substitute:

- (1) The Advisory Committee consists of between 9 and 11 members appointed by the Minister of whom—
- (b) at least 1 must have appropriate knowledge of, and experience in dealing with, issues surrounding the provision of seeds and propagating material within the primary production sector; and
 - (c) at least 1 must have appropriate knowledge of, and experience in, the production of crops generally; and
 - (d) at least 1 must have a particular interest in the production of crops that are GM-free; and
 - (e) at least 1 must have appropriate knowledge of, and experience in, the handling, transportation, storage and delivery of crops and associated products; and

(f) at least 1 must have appropriate knowledge of, and experience in, the marketing of crops and associated products; and

5

(g) 1 must be a person who is engaged in the administration of this Act; and

(h) 1 must be a person who is directly involved in exporting, wholesaling or retailing food or food products.

(1a) The Minister will appoint a member of the Advisory Committee to be the presiding member of the committee.

10

85—Amendment of section 10—Terms and conditions of membership

Section 10(1), (2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

15

Part 18—Amendment of *Health and Community Services Complaints Act 2004*

86—Amendment of section 4—Interpretation

Section 4(1), definition of *Council*—delete the definition

87—Repeal of Part 8

Part 8—delete Part 8

20

88—Amendment of section 75—Preservation of confidentiality

Section 75(2)(e)—delete paragraph (e)

89—Transitional provision

A member of the Health and Community Services Advisory Council ceases to hold office on the commencement of this section.

25

Part 19—Amendment of *Health Care Act 2008*

90—Amendment of long title

Long title—delete "the Health Performance Council and"

91—Amendment of section 3—Interpretation

Section 3, definition of *HPC*—delete the definition

30

92—Repeal of Part 3

Part 3—delete Part 3

93—Repeal of section 101

Section 101—delete the section

94—Repeal of Schedule 1

Schedule 1—delete Schedule 1

95—Amendment of Schedule 2—Health Advisory Councils

Schedule 2 clause 6(1)—delete ", or to assist HPC in the performance of its functions"

5 **96—Transitional provision**

A member of the Health Performance Council ceases to hold office on the commencement of this section.

Part 20—Amendment of *Health Services Charitable Gifts Act 2011*

10 **97—Amendment of section 24—Advisory committees**

Section 24(2) and (3)—delete subsections (2) and (3)

98—Transitional provision

15 A member of the advisory committee established under section 24(2) of the *Health Services Charitable Gifts Act 2011* as in force immediately before the commencement of section 97 of this Act ceases to hold office on the commencement of this section.

Part 21—Amendment of *Heritage Places Act 1993*

99—Amendment of section 5—Composition of Council

Section 5(1), (4) and (6)—delete "Governor" wherever occurring and substitute in each case:

20 Minister

100—Amendment of section 6—Conditions of membership

Section 6(2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

25 **101—Amendment of section 7—Proceedings of Council**

Section 7(1)—delete "Governor" and substitute:

Minister

102—Amendment of section 7A—Committees

Section 7A—after subsection (3) insert:

30 (4) The Council must, in acting under this section, comply with any guidelines issued by the Minister for the purposes of this section (which may include a requirement for the approval of the Minister before a Committee, or Committee of a specified class, may be established under subsection (1)).

103—Amendment of section 9—Remuneration

Section 9—delete "Governor" and substitute:

Minister

Part 22—Amendment of *Local Government Act 1999*

5 **104—Amendment of section 4—Interpretation**

Section 4(1), definition of *Panel*—delete the definition

105—Amendment of section 11—General provisions relating to proclamations

Section 11(1)(b)—delete paragraph (b)

106—Amendment of section 12—Composition and wards

10 Section 12—delete "Panel" wherever occurring and substitute in each case:

Minister

107—Substitution of heading to Chapter 3 Part 2

Heading to Chapter 3 Part 2—delete the heading and substitute:

Part 2—Reform proposals

15 **108—Repeal of Chapter 3 Part 2 Divisions 1 and 2**

Chapter 3 Part 2 Divisions 1 and 2—delete Divisions 1 and 2

109—Amendment of section 26—Principles

Section 26—delete "Panel" wherever occurring and substitute in each case:

Minister

20 **110—Amendment of section 27—Council initiated proposals**

(1) Section 27—delete "Panel" wherever occurring and substitute in each case:

Minister

(2) Section 27(9)—delete subsection (9) and substitute:

(9) The Minister must then prepare and publish a report on the proposal.

25 **111—Amendment of section 28—Public initiated submissions**

(1) Section 28—delete "Panel" wherever occurring and substitute in each case:

Minister

(2) Section 28(10)—delete "its" and substitute:

his or her

30 (3) Section 28(10)—delete "itself" and substitute:

himself or herself

(4) Section 28(11)(b)—delete paragraph (b)

(5) Section 28(17)—delete "its" and substitute:

his or her

(6) Section 28(25)—delete subsection (25) and substitute

(25) The Minister must, after complying with the above requirements,
prepare and publish a report on the matter.

112—Substitution of Chapter 3 Part 2 Division 6

Chapter 3 Part 2 Division 6—delete Division 6 and substitute:

Division 6—Submissions of proposals to Governor

29—Submissions of proposals to Governor

(1) The Minister may, after publishing a report under Division 4 or 5—

(a) on the basis of the report (but subject to the result of a binding poll under Division 5), forward to the Governor a proposal recommended by the Minister for the making of a proclamation under this Chapter; or

(b) if—

(i) the Minister has undertaken consultation with various councils under subsection (2); and

(ii) on the basis of that consultation, and after taking into account any other matter that the Minister thinks fit, the Minister decides that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case; and

(iii) all councils affected by the proposal agree with the Minister's recommendation,

forward to the Governor a proposal recommended by the Minister for the making of a proclamation under this Chapter; or

(c) determine that a particular proposal should not further proceed under this Chapter.

(2) For the purposes of subsection (1)(b), if a report relates to a proposal under Division 4 and the report does not recommend that the proposal proceed, the Minister may, at the request of 1 or more councils, consult with the relevant councils about the matter.

(3) If a proclamation providing for the constitution, amalgamation or abolition of a council or councils, or providing for the alteration of the boundaries of a council area or areas, is made under subsection (1)(b), the Governor may, by subsequent proclamation made on the recommendation of the Minister, make provision for any related matter that may be the subject of a separate proclamation under this Chapter.

- (4) A proclamation under subsection (1)(b) or (3) may be based on a proposal or recommendation that has not been submitted, formulated or considered under Division 4 or 5.

113—Amendment of section 30—Report if proposal rejected

5 Section 30—delete "Panel" wherever occurring and substitute in each case:
Minister

114—Amendment of section 31—Report if proposal submitted to poll

- (1) Section 31—delete "and after receiving advice from the Panel"
(2) Section 31(b)—delete "Panel" and substitute:

10 Minister

115—Amendment of section 32—Provision of reports to councils

- (1) Section 32(1)—delete "Panel" first occurring and substitute:

Minister

- (2) Section 32(1)—delete "that the Panel provides a report to the Minister" and substitute:
15 of publishing a report

- (3) Section 32(2)—delete subsection (2)

116—Amendment of section 34—Error or deficiency in address, recommendation, notice or proclamation

20 Section 34(1)—delete ", in a recommendation of the Minister, or in a report of the Panel" and substitute:

or in a recommendation or report of the Minister

117—Amendment of section 303—Regulations

Section 303—after subsection (8) insert:

25 (8a) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.

30 (8b) A provision of a regulation made under subsection (8a) may, if the regulations so provide, take effect from the commencement of this subsection or from a later day.

(8c) To the extent to which a provision takes effect under subsection (8b) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—

- 35 (a) decreasing the person's rights; or
(b) imposing liabilities on the person.

118—Amendment of Schedule 1A—Implementation of Stormwater Management Agreement

- (1) Schedule 1A, clause 6(1)—delete "Governor" first occurring and substitute:

Minister

- (2) Schedule 1A, clause 7(1) and (2)—delete "Governor" wherever occurring and substitute in each case:

Minister

- (3) Schedule 1A, clause 13(2)(c)—delete "Natural Resources Management Council established under the *Natural Resources Management Act 2004*" and substitute:

Minister responsible for the administration of the *Natural Resources Management Act 2004*

119—Amendment of Schedule 5—Documents to be made available by councils

- (1) Schedule 5, item commencing **Reviews of council constitution, wards and boundaries**, second dot point—delete "to the Minister" and substitute:

of the Minister

- (2) Schedule 5, item commencing **Reviews of council constitution, wards and boundaries**, second dot point—delete "Boundary Adjustment Facilitation Panel" and substitute:

Minister

120—Transitional provisions

- (1) In this section—

Minister means the Minister responsible for the administration of the principal Act;

Panel means the Boundary Adjustment Facilitation Panel established under the principal Act (as in existence immediately before the commencement of section 108 of this Act);

principal Act means the *Local Government Act 1999*.

- (2) A member of the Panel ceases to hold office on the commencement of this subsection.

- (3) An exemption granted by the Panel under the principal Act and in force immediately before the commencement of this section will, after that commencement, be taken to be an exemption granted by the Minister.

- (4) Any process or proceeding commenced by the Panel under the principal Act before the commencement of this section may be continued and completed by the Minister after that commencement.

- (5) The Minister may, in connection with the operation of subsection (4)—

- (a) adopt any findings, determinations, report or recommendations of the Panel that may be relevant to the continuation or completion of any process or proceeding by the Minister under the principal Act; and
- (b) take other steps to promote the smoothest possible transition to the Minister acting under the principal Act rather than the Panel.

Part 23—Amendment of *Marine Parks Act 2007*

121—Amendment of section 3—Interpretation

Section 3(1), definition of *Council*—delete the definition and substitute:

Council means the Parks and Wilderness Council established under the
National Parks and Wildlife Act 1972;

122—Amendment of heading to Part 4 Division 2

Heading to Part 4 Division 2—delete "Marine Parks Council of South Australia" and substitute:

Functions of Parks and Wilderness Council under this Act

123—Repeal of sections 24 to 28

Sections 24 to 28 (inclusive)—delete the sections

124—Repeal of section 30

Section 30—delete the section

125—Amendment of section 63—Regulations

Section 63—after subsection (3) insert:

- (4) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
- (5) A provision of a regulation made under subsection (4) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (6) To the extent to which a provision takes effect under subsection (5) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

126—Transitional provision

A member of the Marine Parks Council of South Australia ceases to hold office on the commencement of this section.

Part 24—Amendment of *Motor Vehicles Act 1959*

127—Amendment of section 5—Interpretation

Section 5(1), definition of *review committee*—delete the definition

128—Repeal of section 98Y

Section 98Y—delete the section

129—Substitution of section 98Z

Section 98Z—delete the section and substitute:

98Z—Review by Registrar

- (1) A person who is aggrieved by a decision of the Registrar under Part 2, 3, 3A, 3C or 3D may, within 1 month of the making of the decision, apply to the Registrar for a review of the decision.
- (2) An application for a review must be made in accordance with the regulations.
- (3) If an application is made under subsection (1), the Registrar must review the decision to which the application relates.
- (4) The applicant must, if so required by the Registrar—
 - (a) appear personally before the Registrar in support of the application; and
 - (b) provide any information sought by the Registrar; and
 - (c) verify information provided to the Registrar by statutory declaration.
- (5) The applicant may be assisted before the Registrar by an agent or representative (not being a legal practitioner).
- (6) On a review under this section, the Registrar may confirm or vary the decision under review or set aside the decision and substitute a new decision.

130—Amendment of section 98ZA—Appeal to District Court

- (1) Section 98ZA(1)—delete "or the review committee"
- (2) Section 98ZA(2)—delete "or review committee"
- (3) Section 98ZA(2)—delete "or committee"

131—Transitional provisions

- (1) In this section—

principal Act means the *Motor Vehicles Act 1959*.

- (2) Despite any other provision of this Part, the review committee established under Part 3E of the principal Act continues in existence after the commencement of this Part for the purpose of determining any applications for review referred to the committee before that commencement (and for that purpose the review committee must determine those applications in accordance with the provisions of Part 3E of the principal Act as in force immediately before the commencement of this Part).

Part 25—Amendment of *National Parks and Wildlife Act 1972*

132—Amendment of section 5—Interpretation

Section 5, definition of *the Council*—delete the definition and substitute:

Council means the Parks and Wilderness Council established under section 15;

133—Amendment of section 11—Wildlife Conservation Fund

Section 11(3)(a)—delete "the South Australian National Parks and Wildlife Council" and substitute:

the Parks and Wilderness Council

134—Amendment of section 12—Delegation

(1) Section 12(1), (2) and (3)—delete ", an advisory committee" wherever occurring

(2) Section 12(5)—delete subsection (5) and substitute:

(5) A delegation—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the power of the delegator to act in a matter; and

(d) is revocable at will.

135—Substitution of Part 2 Division 2, 2A and 2B

Part 2 Divisions 2, 2A and 2B—delete Divisions 2, 2A and 2B and substitute:

Division 2—The Parks and Wilderness Council

15—Establishment and membership of the Council

(1) The *Parks and Wilderness Council* is established.

(2) The Council consists of the Director and 8 other members appointed by the Minister being persons who collectively have, in the opinion of the Minister, the knowledge, skills and experience in the following areas necessary to enable the Council to carry out its functions effectively:

(a) the establishment and management of reserves, wilderness protection areas and wilderness protection zones;

(b) the conservation of animals, plants and ecosystems;

(c) the conservation of the marine environment;

(d) a scientific field relevant to the conservation of ecosystems and the relationship of wildlife with its environment;

(e) Aboriginal culture and traditional associations with land;

- (f) community engagement and community partnerships;
 - (g) tourism and recreational use of reserves.
- (3) At least 2 of the members of the Council must be men and 2 must be women.
- (4) 1 of the members of the Council appointed by the Minister will be appointed as the presiding member of the Council.

16—Terms and conditions of membership

- (1) A member appointed by the Minister will be appointed on conditions determined by the Minister and for a term, not exceeding 3 years, specified in the instrument of appointment and will, at the expiration of a term of appointment, be eligible for reappointment.
- (2) The Minister may remove an appointed member from office—
- (a) for breach of, or non-compliance with, a condition of appointment;
 - (b) for misconduct; or
 - (c) for failure or incapacity to carry out the duties of his or her office satisfactorily.
- (3) The office of an appointed member becomes vacant if the member—
- (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or
 - (d) is removed from office under subsection (2).
- (4) If the office of an appointed member of the Council becomes vacant a person must be appointed by the Minister in accordance with section 15 to the vacant office.

17—Remuneration

A member of the Council is entitled to remuneration, allowances and expenses determined by the Minister.

18—Vacancies or defects in appointment of members

An act of the Council is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

19—Direction and control of the Minister

The Council is subject to the direction and control of the Minister.

19A—Proceedings of the Council

- (1) 5 of the members of the Council constitute a quorum of the Council and no business may be conducted by the Council unless a quorum is present.

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- (2) The Director may nominate a person to attend and vote at a meeting of the Council on his or her behalf.
 - (3) The presiding member will preside at each meeting of the Council at which he or she is present.
 - (4) If the presiding member is absent, a member chosen by the members present will preside at the meeting.
 - (5) A decision carried by a majority of the votes cast by members at a meeting is a decision of the Council.
 - (6) Each member present at a meeting of the Council has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
 - (7) A conference by telephone or other electronic means between members will, for the purposes of this section, be taken to be a meeting of the Council at which the participating members are present if—
 - (a) notice of the conference is given to all members in the manner determined by the Council for that purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
 - (8) A proposed resolution of the Council becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if—
 - (a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Council; and
 - (b) a majority of the members express their concurrence in the proposed resolution by letter, email, telex, facsimile transmission or other written communication setting out the terms of the resolution.
 - (9) The Council must cause accurate minutes to be kept of its proceedings.
 - (10) Subject to this Act, the Council may determine its own procedures.

19B—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of the Council will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in a matter that is shared in common with those engaged in or associated with ecologically-based tourism generally, or a substantial section of those engaged in or associated with ecologically-based tourism.

19C—Functions of the Council

- (1) The functions of the Council are—
- (a) to provide advice to the Minister at the Minister's request on any matter relating to the administration of—
 - (i) this Act; and
 - (ii) the *Adelaide Dolphin Sanctuary Act 2005*; and
 - (iii) the *Marine Parks Act 2007*; and
 - (iv) the *Wilderness Protection Act 1992*; and
 - (b) such functions as may be conferred under this Act or any other Act.
- (2) Without limiting subsection (1)(a)(i), the Council may advise the Minister on the following matters relating to the administration of this Act:
- (a) planning in relation to the management of reserves;
 - (b) the conservation of wildlife;
 - (c) funding (including matters relating to sponsorship) and the development and marketing of commercial activities;
 - (d) community participation in the management of reserves and the conservation of wildlife;
 - (e) the development of policy;
 - (f) existing or proposed national or international agreements relating to the conservation of animals, plants and ecosystems;
 - (g) the promotion (including public education) of the conservation of wildlife and other natural resources;
 - (h) the Council's assessment of the performance of the Department in administering the Acts referred to in subsection (1)(a);
 - (i) any other matter referred to the Council by the Minister or on which the Council believes it should advise the Minister.

19D—Annual report

- (1) The Council must, on or before 30 September in each year, prepare and deliver to the Minister a report on its operations during the preceding financial year.
- (2) The Minister must, within 12 sitting days after receiving a report, cause copies of the report to be laid before both Houses of Parliament.

136—Amendment of section 38—Management plans

Section 38(7)—delete "the South Australian National Parks and Wildlife Council" and substitute:

the Parks and Wilderness Council

5 **137—Amendment of section 45A—Interpretation and application**

Section 45A(1), definition of *General Reserves Trust*—delete the definition

138—Amendment of section 45B—Development Trusts

(1) Section 45B(1)—after "reserve" insert:

or reserves

10 (2) Section 45B(2)(a)—delete "(except in the case of the General Reserves Trust) "

(3) Section 45B(2)(a)—after "reserve" insert:

, or reserves,

139—Repeal of section 45BA

Section 45BA—delete the section

15 **140—Amendment of section 45F—Functions of Trust**

(1) Section 45F(1)—delete subsection (1) and substitute:

(1) A Trust has the functions assigned to it by the Minister relating to the reserve or reserves for which it is established, including the development of the reserve or reserves and the conservation of animals, native plants or ecosystems of the reserve or reserves.

(2) Section 45F(1b)—delete subsection (1b)

(3) Section 45F(2b)—delete subsection (2b) and substitute:

(2b) The Minister may direct that money payable under a lease, licence or agreement granted or entered into in relation to a reserve for which a Trust is responsible be paid to the Trust.

(4) Section 45F(2c)—delete "(not being the General Reserves Trust)"

(5) Section 45F(2c)(a)—before "(2b)" insert:

(2a) or

141—Amendment of heading to Part 3A Division 2

Heading to Part 3A Division 2—delete "Trust"

142—Amendment of section 45M—Establishment of Fund

(1) Section 45M(1)—delete subsection (1) and substitute:

(1) The General Reserves Trust Fund continues in existence as the General Reserves Fund.

(2) Section 45M(2)—delete "General Reserves Trust" and substitute:

Minister

- (3) Section 45M(3)(b)—delete "in relation to which the General Reserves Trust has been established (the Trust's reserves)" and substitute:

other than reserves in relation to which a specific Trust has been established and determined that it is to retain such fees

- 5 (4) Section 45M(3)(c)—delete paragraph (c) and substitute:

(c) money that—

- 10 (i) is payable pursuant to a lease, licence or other agreement entered into by the Minister or Director under section 35 in relation to a reserve other than a reserve in relation to which a specific Trust has been established; and
(ii) the Minister or Director has directed be paid into the fund; and

- (5) Section 45M(3)(d)—delete "the Trust's reserves" wherever occurring and substitute in each case:

15 a reserve other than a reserve in relation to which a specific Trust has been established

- (6) Section 45M(3)(e)—delete "Trust" and substitute:

Minister

- (7) Section 45M(4)—delete "Trust" wherever occurring and substitute in each case:

20 Minister

- (8) Section 45M(4)(a)—delete "of its reserves" and substitute:

reserves

143—Amendment of section 45N—Investment of the fund

Section 45N—delete "Trust" and substitute:

25 Minister

144—Amendment of section 45O—Accounts and auditing

Section 45O—delete "Trust" wherever occurring and substitute in each case:

Minister

145—Insertion of Schedules 12 and 13

30 After Schedule 11 insert:

Schedule 12—Dissolution of General Reserves Trust

1—Interpretation

In this Schedule—

asset includes—

- 35 (a) a present, contingent or future legal or equitable estate or interest in real or personal property; or

- (b) a present, contingent or future right, power, privilege or immunity,

(and includes a present or future cause of action in favour of the General Reserves Trust);

5 **General Reserves Fund** means the General Reserves Fund continued in existence under section 45M of this Act after the commencement of this Part;

10 **General Reserves Trust** means the General Reserves Trust established by proclamation under section 45B of the Act on 30 November 1978 (see *Gazette 30.11.1978 p2096 and 2097*);

liability includes a present, contingent or future liability or obligation (including a non-pecuniary obligation and a present or future cause of action against the General Reserves Trust).

2—Dissolution of General Reserves Trust

15 The General Reserves Trust is dissolved and all members of the Trust holding office immediately before the commencement of this clause cease to hold office.

3—Vesting of property etc in Minister

- 20 (1) All assets, rights and liabilities of the General Reserves Trust are transferred to the Minister.
- (2) The vesting of assets or liabilities under this clause operates by force of this clause and despite the provisions of any other law or instrument.
- 25 (3) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner a vesting under this clause.
- (4) No fee is payable in respect of an application under subclause (3).
- 30 (5) Subject to subclause (6), a reference in any instrument or contract, agreement or other document to the General Reserves Trust will have effect as if it were a reference to the Minister.
- (6) Subclause (5) does not apply to any reference excluded by the Governor by proclamation.
- 35 (7) Subclause (5) has effect despite the provisions of any other law or instrument.
- (8) Nothing done under this clause—
- (a) constitutes a breach of, or default under, an Act or other law; or
- 40 (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or

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- (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
 - (d) constitutes a civil or criminal wrong; or
 - (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
 - (f) releases a surety or other obligee wholly or in part from an obligation.

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Schedule 13—Transitional provision relating to *Statutes Amendment (Boards and Committees— Abolition and Reform) Act 2014*

1—Transitional regulations

- 15
- (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
 - (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
 - 20 (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
 - 25 (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

146—Transitional provision

A member of the South Australian National Parks and Wildlife Council ceases to hold office on the commencement of this section.

Part 26—Amendment of *Native Vegetation Act 1991*

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147—Amendment of section 8—Membership of Council

- (1) Section 8(1), (2) and (6)—delete "Governor" wherever occurring and substitute in each case:

Minister
- 35 (2) Section 8(1)(d)—delete "from a panel of 3 persons nominated by the NRM Council established under that Act"

148—Amendment of section 9—Conditions of office

Section 9(1), (2) and (3)—delete "Governor" wherever occurring and substitute in each case:

Minister

5 **149—Amendment of section 10—Allowances and expenses**

Section 10—delete "Governor" and substitute:

Minister

150—Amendment of section 16—Staff

Section 16(1)—delete "Governor" and substitute:

10 Minister

151—Amendment of section 25—Guidelines for application of assistance and management of native vegetation

Section 25(2)(c)—delete "Pastoral Board" and substitute:

15 Minister responsible for the administration of the *Pastoral Land Management and Conservation Act 1989*

152—Amendment of section 29—Provisions relating to consent

- (1) Section 29(6)—delete "consult the Pastoral Board and have regard to the Board's recommendations (if any) in relation to the application" and substitute:

20 consult the Minister responsible for the administration of the *Pastoral Land Management and Conservation Act 1989* and have regard to that Minister's recommendations (if any) in relation to the application

- (2) Section 29(8)—delete subsection (8) and substitute:

25 (8) Where a Minister has been consulted by the Council under subsection (6), that Minister may request the owner of the land to submit a property plan under the *Pastoral Land Management and Conservation Act 1989* and, until the plan has been submitted, he or she may recommend to the Council that it refuse consent solely on the ground that the plan has not been submitted.

- (3) Section 29(9)—delete "by the Pastoral Board"

30 **153—Amendment of Schedule 2—Transitional provisions**

Schedule 2—after clause 3 insert:

4 (1) The Governor may, by regulation, make provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.

35 (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this subclause or from a later day.

- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—

- 5 (a) decreasing the person's rights; or
 (b) imposing liabilities on the person.

Part 27—Amendment of *Natural Resources Management Act 2004*

154—Amendment of section 3—Interpretation

- 10 (1) Section 3(1), definition of *Mining Act*, (a)—delete "*Petroleum Act 2000*" and substitute:

Petroleum and Geothermal Energy Act 2000

- (2) Section 3(1), definition of *NRM Council*—delete the definition
(3) Section 3(1), definition of *peak body*, (b)—delete paragraph (b) and substitute:
15 (b) Primary Producers SA Incorporated;
(4) Section 3(1), definition of *State NRM Plan*—delete "by the NRM Council"

155—Amendment of section 10—Functions of Minister

- (1) Section 10(1)—after paragraph (a) insert:
 (ab) to prepare and maintain the State NRM Plan, and to keep under
20 review the extent to which regional NRM plans and policies and
 practices adopted or applied by NRM authorities are consistent with
 the State NRM Plan; and
(2) Section 10(1)—after paragraph (e) insert:
 (ea) to convene forums on a State-wide basis to discuss natural resources
25 management issues, and to promote public awareness of sound
 natural resources management practices; and

156—Repeal of Chapter 3 Part 2

Chapter 3 Part 2—delete Part 2

157—Amendment of section 22—Establishment of regions

- 30 Section 22(5)—delete subsection (5) and substitute:

 (5) The Minister must, before a proclamation is made under
 subsection (3), give each peak body notice of the proposed
 proclamation under that subsection and give consideration to any
 submission made by any peak body within a period (being at least
35 21 days) specified in the notice.

158—Amendment of section 23—Establishment of boards

Section 23(5)—delete subsection (5) and substitute:

- 5 (5) The Minister must, before publishing a notice under subsection (3), give each peak body notice of the Minister's intention to publish a notice under that subsection and give consideration to any submission made by any peak body within a period (being at least 21 days) specified in the notice.

159—Amendment of section 25—Composition of boards

(1) Section 25(1)—delete subsection (1) and substitute:

- 10 (1) A regional NRM board consists of up to 9 members appointed by the Minister being persons who collectively have, in the opinion of the Minister, knowledge, skills and experience necessary to enable the board to carry out its functions effectively.

(2) Section 25(2)—delete "nominating" and substitute:

15 appointing

(3) Section 25(2)(a)—delete ", and then take into account any recommendation of the NRM Council after the NRM Council has been given an opportunity to consider any expressions of interest received within the relevant time"

(4) Section 25(4)(a)—delete "nominating" and substitute:

20 appointing

(5) Section 25(4)(b)—delete "nominate" and substitute:

appoint

(6) Section 25(5)—delete "finalising his or her nominations for the purposes of this section," and substitute:

25 appointing a person or persons under subsection (1),

(7) Section 25(8) and (9)—delete "Governor" wherever occurring and substitute in each case:

Minister

160—Amendment of section 26—Conditions of membership

30 (1) Section 26(1) and (2)—delete "Governor" wherever occurring and substitute in each case:

Minister

(2) Section 26(2)(e)—delete ", after consultation with the NRM Council,"

(3) Section 26(3)(f)—delete "Governor" and substitute:

35 Minister

161—Amendment of section 27—Allowances and expenses

Section 27—delete "Governor" and substitute:

Minister

162—Amendment of section 29—Functions of boards

Section 29(1)(f)—delete "or the NRM Council"

163—Amendment of section 30—General powers

Section 30(2)(d)—delete "or such" and substitute:

5 on such

164—Amendment of section 35—Committees

Section 35(4)—after "purposes of this section" insert:

10 (which may include a requirement for the approval of the Minister before a
Committee, or Committee of a specified class, may be established under
subsection (1)(a))

165—Amendment of section 39—Specific reports

- (1) Section 39(1)—delete "or the NRM Council" wherever occurring
- (2) Section 39(1)—delete "(as the case may be)"

166—Repeal of section 40

15 Section 40—delete the section

167—Amendment of section 45—Establishment of areas

Section 45(5)—delete "the South Australian Farmers Federation Incorporated" and
substitute:

Primary Producers SA Incorporated

20 **168—Amendment of section 48—Composition of NRM groups**

Section 48(2)(b)(ii)—delete "the South Australian Farmers Federation Incorporated"
and substitute:

Primary Producers SA Incorporated

169—Amendment of section 74—State NRM Plan

25 (1) Section 74—delete "NRM Council" wherever occurring and substitute in each case:

Minister

- (2) Section 74(3)(e)—delete "or specified by the Minister"
- (3) Section 74(5)—delete subsection (5)
- (4) Section 74(7)—delete subsection (7) and substitute:

30 (7) Subject to subsection (8), the Minister may amend the State NRM
Plan at any time.

- (5) Section 74(9)—delete "at the direction, or with the concurrence, of the Minister"
- (6) Section 74(10)—delete "at the direction, or with the concurrence, of the Minister" and
substitute:

35 under subsection (9)

(7) Section 74(14)(c)—delete paragraph (c) and substitute:

(c) Primary Producers SA Incorporated

170—Amendment of section 75—Regional NRM plans

Section 75(7)—delete "or the NRM Council"

5 **171—Amendment of section 79—Preparation of plans and consultation**

(1) Section 79(6)(a)(iv)—delete subparagraph (iv)

(2) Section 79(12) and (13)—delete "(10)(a)" wherever occurring and substitute in each case:

(10)

10 **172—Amendment of section 80—Submission of plan to Minister**

(1) Section 80(1)—delete subsection (1)

(2) Section 80(2)—delete "also"

(3) Section 80(3)—delete "the requirements of subsections (1) and (2)" and substitute:
subsection (2)

15 **173—Amendment of section 81—Review and amendment of plans**

(1) Section 81(5)—delete subsection (5)

(2) Section 81(8)(b)—delete "are within the ambit of subsection (2), or that otherwise"

174—Amendment of section 95—Imposition of levy by councils

Section 95(3)(a)—delete "section 154(1), (2) and (3)" and substitute:

20 section 154(1) and (2)

175—Amendment of section 122—Special provisions relating to land

Section 122(4)(e)—delete "*Country Fires Act 1989*" and substitute:

Fire and Emergency Services Act 2005

176—Amendment of section 129—Activities not requiring a permit

25 Section 129(1)(i)—delete "or Part 3 Division 5 of the *Upper South East Dryland Salinity and Flood Management Act 2002*"

177—Repeal of section 228

Section 228—delete the section

30 **178—Amendment of Schedule 1—Provisions relating to regional NRM boards and NRM groups**

Schedule 1, clause 1, definition of *prescribed body*, (a)—delete paragraph (a)

179—Amendment of Schedule 4—Repeals and transitional provisions

- (1) Schedule 4, Part 18, clause 56(1)—delete "on the enactment of a relevant Act" and substitute:

on the amendment of this Act by another Act

- 5 (2) Schedule 4, Part 18, clause 56(5)—delete subclause (5)

180—Transitional provision

A member of the Natural Resources Management Council ceases to hold office on the commencement of this section.

Part 28—Amendment of *Office for the Ageing Act 1995*

10 **181—Amendment of long title**

Long title—delete "and the Advisory Board on Ageing"

182—Repeal of Part 3

Part 3—delete Part 3

183—Transitional provision

- 15 A member of the Advisory Board on Ageing ceases to hold office on the commencement of this section.

Part 29—Amendment of *Opal Mining Act 1995*

184—Amendment of section 43—Registration of agreement

Section 43(5)—delete "Pastoral Board" and substitute:

- 20 the Minister responsible for the administration of the *Pastoral Land Management and Conservation Act 1989*

Part 30—Amendment of *Pastoral Land Management and Conservation Act 1989*

185—Amendment of section 3—Interpretation

- 25 Section 3(1), definition of *the Board*—delete the definition

186—Amendment of section 5—Duty of Minister

Section 5—delete "and the Board"

187—Amendment of section 9—Pastoral Land Management Fund

Section 9(5)—delete ", on the recommendation of the Board,"

- 30 **188—Amendment of section 10—Power of Minister to delegate**

Section 10(1)(a)—delete paragraph (a)

189—Repeal of Part 3 Division 2

Part 3 Division 2—delete Division 2

190—Amendment of section 19—Grant of leases

Section 19(3)(c)—delete ", on the recommendation of the Board,"

5 **191—Amendment of section 20—Assessment of land prior to grant of lease**

Section 20(1)(b)(i)—delete "Board" and substitute:

Minister

192—Amendment of section 22—Conditions of pastoral leases

10 (1) Section 22(1)(b)(i), (ii) and (iii)—delete "Board" wherever occurring and substitute in each case:

Minister

(2) Section 22(2), (4), (6) and (7)—delete "Board" wherever occurring and substitute in each case:

Minister

15 (3) Section 22(3)—delete subsection (3)

193—Amendment of section 23—Rent

(1) Section 23(2)(a)(i)—delete "Board" and substitute:

Minister

(2) Section 23(5)—delete "Board" and substitute:

20 Minister

(3) Section 23(6)—delete ", on the recommendation of the Board, and if the Minister is satisfied" and substitute:

if satisfied

(4) Section 23(7) and (8)—delete "Board" wherever occurring and substitute in each case:

25 Minister

(5) Section 23(10)—delete "on the recommendation of the Board, and if the Minister is satisfied" and substitute:

if satisfied

(6) Section 23(10)—delete "Board recommends" and substitute:

30 Minister thinks appropriate

194—Amendment of section 24—Term of pastoral leases

Section 24(2)—delete "Board" and substitute:

Minister

195—Amendment of section 25—Assessment of land

- (1) Section 25(1), (3) and (4)—delete "Board" wherever occurring and substitute in each case:

Minister

- (2) Section 25(5)—delete subsection (5) and substitute:

- (5) The Minister must not take any action under this Act as a consequence of an assessment until a reasonable period of time, within which a lessee referred to in subsection (4) may respond to the assessment and the written report, has elapsed.

196—Repeal of sections 25A and 25B

Sections 25A and 25B—delete the sections

197—Amendment of section 26—Extension of term of pastoral leases and variation of conditions

- (1) Section 26—delete "Board" wherever occurring and substitute in each case:

Minister

- (2) Section 26(6)—delete "its" and substitute:

his or her

- (3) Section 26(7)—delete "resolves to issue" and substitute:

issues

198—Amendment of section 31—Alteration of boundaries

Section 31(1)—delete "Board" and substitute:

Minister

199—Amendment of section 31A—Variation of land subject to lease

Section 31A(3)—delete subsection (3) and substitute:

- (3) The Minister may only take action under this section at the request or with the consent of the relevant lessees.

200—Amendment of section 33—Abandonment of land

Section 33—delete "Board" and substitute:

Minister

201—Amendment of section 35—Penalties for late payment of rent

Section 35(3)—delete "Board" and substitute:

Minister

202—Amendment of section 36—Waiver

Section 36—delete "The Board may, if it" and substitute:

The Minister may, if he or she

203—Amendment of section 37—Cancellation of lease or imposition of fine on breach of conditions

(1) Section 37—delete "Board" wherever occurring and substitute in each case:

Minister

5 (2) Section 37(1)(a)—delete "fine" and substitute:

penalty

204—Amendment of section 38—Cancellation of pastoral lease obtained by false statement

Section 38—delete "Board" and substitute:

10 Minister

205—Amendment of section 40—Notice of adverse action to be given to holders of registered interests or caveats

Section 40(1)—delete "Board or the Minister (as the case may require)" and substitute:

15 Minister

206—Amendment of section 41—Property plans

(1) Section 41(1)—delete "Board" wherever occurring and substitute in each case:

Minister

(2) Section 41(2)—delete subsection (2)

20 (3) Section 41(3), (4), (5), (6), (7), (8) and (9a)—delete "Board" wherever occurring and substitute in each case:

Minister

207—Amendment of section 42—Verification of stock levels

Section 42—delete "Board" wherever occurring and substitute in each case:

25 Minister

208—Amendment of section 43—Notices to destock or take other action

Section 43—delete "Board" wherever occurring and substitute in each case:

Minister

209—Amendment of section 44—Reference areas

30 Section 44—delete "Board" wherever occurring and substitute in each case:

Minister

210—Amendment of section 45—Establishment of public access routes and stock routes

Section 45—delete "Board" wherever occurring and substitute in each case:

35 Minister

211—Amendment of section 52—Powers and procedures of the Tribunal

Section 52(11)(a)—delete "or the Board"

212—Amendment of section 58—Notice to be given of cattle muster

Section 58(2)—delete "Board" and substitute:

5 Minister

213—Amendment of section 59—Right to take water

Section 59(2)—delete "Board" and substitute:

Minister

214—Amendment of section 61—Powers of entry etc

10 (1) Section 61(1)—delete "a member of the Board,"

(2) Section 61(1)(e)—delete "Board" and substitute:

Minister

215—Amendment of section 66—Certain debts are charges over leases

Section 66—delete "Board" wherever occurring and substitute in each case:

15 Minister

216—Amendment of Schedule—Transitional provisions

(1) Schedule, clause 4—delete clause 4

(2) Schedule, clause 5(2)(b)—delete "Board" and substitute:

Minister

20 (3) Schedule, clause 6(3)(b)(ii)—delete "Board" and substitute:

Minister

(4) Schedule, new clause—after clause 6 insert:

25 7 A member of the Pastoral Board in existence under this Act immediately before the commencement of section 189 of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014* ceases to hold office on the commencement of this clause.

30 8 An approval, requirement, declaration or dedication of the Pastoral Board made under this Act as in force immediately before the commencement of section 190 of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014* will, after that commencement, be taken to be an approval, requirement or approval (as the case requires) of the Minister under this Act as in force after that commencement.

35 9 (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.

- (2) A provision of a regulation made under subclause (1) may, if the regulation so provides, take effect from the commencement of this subclause or from a later day.
- (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

Part 31—Amendment of *Phylloxera and Grape Industry Act 1995*

217—Amendment of section 3—Interpretation

Section 3, definition of *Selection Committee*—delete the definition

218—Amendment of section 5—Constitution of Board

- (1) Section 5(1)(b)(ii)—delete subparagraph (ii) and substitute:
- (ii) up to 7 will be persons nominated by 1 or more organisations or bodies that, in the opinion of the Minister, have significant involvement in grape growing or winemaking.
- (2) Section 5(2)—delete "the Selection Committee" and substitute:
- each nominating organisation or body referred to in subsection (1)(b)(ii)
- (3) Section 5(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:
- (a) written reasons are provided to the Minister in support of each nomination; and
- (4) Section 5(3)—delete subsection (2) and substitute:
- (3) The Minister must ensure that—
- (a) no more than 1 member from each prescribed region is appointed to the Board; and
 - (b) all members of the Board have proven experience, knowledge and commitment to the improvement of the State's grape growing and wine industries, and their protection from disease.

219—Repeal of Part 2 Division 2

Part 2 Division 2—delete Division 2

220—Amendment of section 26—Report

Section 26(4)—delete subsection (4) and substitute:

- (4) After each meeting of the Board, the Board must provide a report on its activities undertaken since its previous meeting to every regional committee.

221—Insertion of section 28

After section 27—insert:

28—Power of delegation

- 5
- (1) The Minister may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function or power of the Minister under this Act.
- (2) A delegation under this section—
- 10
- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) does not derogate from the power of the Minister to act in any matter; and
- (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

222—Amendment of section 30—Regulations

Section 30—after subsection (2) insert:

- 20
- (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
- (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- 25
- (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

223—Transitional provision

A member of the Selection Committee within the meaning of the *Phylloxera and Grape Industry Act 1995* as in force immediately before the commencement of section 219 of this Act ceases to hold office on the commencement of this section.

Part 32—Amendment of *Public Employees Housing Act 1987*

224—Repeal of section 5

Section 5—delete the section

225—Transitional provision

A member of the Public Employees Housing Advisory Committee ceases to hold office on the commencement of this section.

Part 33—Amendment of *SACE Board of South Australia Act 1983*

226—Amendment of Schedule 1—Designated entities

- (1) Schedule 1, clause 1(j)—delete "Non-Government Schools Registration Board" and substitute:

Education and Early Childhood Services Registration and Standards Board of South Australia

- (2) Schedule 1, clause 1(v)—delete paragraph (v)

Part 34—Amendment of *South Australian Forestry Corporation Act 2000*

227—Amendment of section 4—Interpretation

Section 4, definition of *director*—delete the definition and substitute:

director means a member of the board under Part 3 and includes a person appointed as an acting director under that Part.

228—Amendment of section 9—Common seal and execution of documents

Section 9(1)—delete "two directors" and substitute:

1 or more directors

229—Substitution of section 10

Section 10—delete the section and substitute:

10—Establishment of board

- (1) A board of directors is established as the governing body of the Corporation.
- (2) The board consists of up to 5 members appointed by the Governor.
- (3) A person is eligible for appointment as a member of the board if, in the Minister's opinion, the person has appropriate qualifications, experience or expertise to effectively perform the functions of a director of the Corporation.
- (4) The Governor may appoint a director to chair meetings of the board.
- (5) The Governor may appoint an acting director to act in the office of a director and a person so appointed has, while so acting, all the functions and powers of the director.
- (6) An acting director may act in the office of a director—
- (a) while—

(i) the director is unable to perform the functions of a director under this Act; or

(ii) the office of the director is vacant,

but not on a continuous basis for more than 6 months; or

(b) if the director is disqualified from acting in relation to a particular matter—in relation to that matter.

(7) The terms and conditions of appointment as an acting director will be as determined by the Governor.

(8) On the office of a director becoming vacant, a person may be appointed under this section to the vacant office.

230—Amendment of section 11—Conditions of membership

Section 11(1)—after "A director" insert:

(other than an acting director)

231—Amendment of section 14—Board proceedings

Section 14(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:

(1) A quorum of the board consists of a majority of the directors in office for the time being.

(2) If a director has been appointed to chair meetings of the board, that director will preside at each meeting of the board at which he or she is present.

(3) A director chosen by the directors present at a meeting of the board will preside at the meeting if—

(a) the director appointed to chair meetings of the board is absent from the meeting; or

(b) no director has been appointed to chair meetings of the board.

Part 35—Amendment of *South Australian Housing Trust Act 1995*

232—Amendment of section 18—Committees

(1) Section 18(1)(a)—delete paragraph (a)

(2) Section 18(1)(b)—delete "other"

(3) Section 18(1a)—delete subsection (1a)

(4) Section 18(3)—delete "(and to the operation of subsection (1a))"

233—Transitional provision

A member of the *South Australian Affordable Housing Trust Board of Management* (or "SAAHT") ceases to hold office on the commencement of this section.

Part 36—Amendment of *South Australian Motor Sport Act 1984*

234—Amendment of Long title

Long title—delete "make provision in relation to a corporation to be known as the South Australian Motor Sport Board; to define its powers and functions" and substitute:

facilitate the promotion of motor sport events in the State

235—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *Board*—delete the definition and substitute:

Commission means the South Australian Tourism Commission established under the *South Australian Tourism Commission Act 1993*;

- (2) Section 3(1), definition of *employing authority*—delete the definition
(3) Section 3(1), definition of *the graphic standards manual*—delete "Board" and substitute:

Commission

- (4) Section 3(1), definition of *member*—delete the definition
(5) Section 3(4)—delete subsection (4)

236—Substitution of heading to Part 2

Heading to Part 2—delete the heading and substitute:

Part 2—Functions and powers of Commission relating to motor sport events

237—Repeal of Part 2 Division 1

Part 2, Division 1—delete Division 1

238—Repeal of heading to Part 2 Division 2

Heading to Part 2 Division 2—delete the heading to Division 2

239—Amendment of section 10—Functions and powers of Commission

- (1) Section 10—delete "Board" wherever occurring and substitute in each case:

Commission

- (2) Section 10(2)(p)—delete paragraph (p)
(3) Section 10(2)(s)—after "functions" insert:
under this Act
(4) Section 10(4)—delete subsection (4)

240—Amendment of section 10AA—Non-application of *Government Business Enterprises (Competition) Act 1996*

Section 10AA—delete "Board or to any activity of the Board" and substitute:

5 Commission, or to any activity of the Commission, in relation to a function of the Commission under this Act

241—Repeal of section 10A

Section 10A—delete the section

242—Amendment of section 11—Commission may control and charge fee for filming etc from outside circuit

10 Section 11—delete "Board" wherever occurring and substitute in each case:

Commission

243—Repeal of section 12

Section 12—delete the section

244—Repeal of Part 2 Divisions 3 and 4

15 Part 2 Divisions 3 and 4—delete Divisions 3 and 4

245—Amendment of section 20—Minister may make certain declarations

Section 20—delete "Board" wherever occurring and substitute in each case:

Commission

246—Amendment of section 21—Commission to have care, control etc of declared area for relevant declared period

20 Section 21—delete "Board" wherever occurring and substitute in each case:

Commission

247—Amendment of section 22—Commission to have power to enter and carry out works etc on declared area

25 Section 22—delete "Board" wherever occurring and substitute in each case:

Commission

248—Amendment of section 23—Commission to consult and take into account representations of persons affected by operations

Section 23—delete "Board" wherever occurring and substitute in each case:

30 Commission

249—Amendment of section 24—Certain land taken to be lawfully occupied by Commission

Section 24—delete "Board" wherever occurring and substitute in each case:

Commission

250—Amendment of section 25—Non-application of certain laws

Section 25—delete "Board" wherever occurring and substitute in each case:

Commission

251—Amendment of section 26—Plans of proposed works to be available for public inspection

Section 26—delete "Board" wherever occurring and substitute in each case:

Commission

252—Amendment of section 27—Power to remove vehicles left unattended within declared area

(1) Section 27(1)—delete "member of the police force" and substitute:

police officer

(2) Section 27(1)—delete "Board" and substitute:

Commission

253—Amendment of section 27AB—Application of sections 27B and 27C

Section 27AB(3)(a)—delete "Board" and substitute:

Commission

254—Repeal of section 28

Section 28—delete the section

255—Amendment of section 28AA—Declaration of official titles

Section 28AA—delete "Board" wherever occurring and substitute in each case:

Commission

256—Amendment of section 28A—Special proprietary interests

(1) Section 28A—delete "Board" wherever occurring and substitute in each case:

Commission

(2) Section 28A(1)(b)—delete paragraph (b) and substitute:

(b) any other name adopted by the Commission pursuant to a determination under section 25 of the *South Australian Tourism Commission Act 1993*; and

257—Amendment of section 28B—Seizure and forfeiture of goods

(1) Section 28B—delete "Board" wherever occurring and substitute in each case:

Commission

(2) Section 28B(1)(b)—delete "member of the police force" and substitute:

police officer

258—Repeal of section 29

Section 29—delete the section

259—Amendment of section 30—Regulations

- (1) Section 30(2)(a)—delete paragraph (a)
- 5 (2) Section 30(2)(d)—delete "Board" and substitute:
Commission
- (3) Section 30(2)(h)—delete "\$1 250" and substitute:
\$2 500

260—Insertion of Schedule 1

10 After section 30 insert:

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

asset includes—

- 15 (a) a present, contingent or future legal or equitable estate or
interest in real or personal property; or
- (b) a present, contingent or future right, power, privilege or
immunity,

(and includes a present or future cause of action in favour of the
20 Board);

Board means the South Australian Motor Sport Board (as in
existence immediately before the relevant day);

25 *liability* includes a present, contingent or future liability or obligation
(including a non-pecuniary obligation and a present or future cause
of action against the Board);

Minister means the Minister responsible for the administration of the
South Australian Tourism Commission Act 1993;

relevant day means the day on which this Schedule comes into
operation.

2—Dissolution of Board

30 On the relevant day, the South Australian Motor Sport Board is
dissolved and all members of the Board holding office immediately
before the relevant day cease to hold office.

3—Staff

- 5
- (1) The Minister may, by notice in the Gazette, transfer the employment of a person who was, immediately before the relevant day, an officer or employee of the Board (including the Chief Executive) to the employing authority under the *South Australian Tourism Commission Act 1993*.
- (2) The transfer of a person under subclause (1) does not affect—
- 10
- (a) the person's continuity of employment or existing conditions of employment or existing or accruing rights to leave; or
- (b) a process commenced for variation of those conditions or rights.

4—Vesting of property etc in Commission

- 15
- (1) Subject to subclause (2), all assets and liabilities of the Board are vested in the Commission.
- (2) Subclause (1) does not apply to any asset or liability vested by the Governor, by proclamation, in—
- (a) the Minister; or
- (b) another agency or instrumentality of the Crown.
- 20
- (3) The vesting of assets or liabilities under this clause operates by force of this clause and despite the provisions of any other law or instrument.
- (4) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner a vesting under this clause.
- 25
- (5) No fee is payable in respect of an application under subclause (4).
- (6) Subject to subclause (7), a reference in any instrument or contract, agreement or other document to the Board will have effect as if it were a reference to the Commission.
- 30
- (7) Subclause (6) does not apply to any reference excluded by the Governor by proclamation.
- (8) Subclause (6) has effect despite the provisions of any other law or instrument.
- 35
- (9) Nothing done under this clause—
- (a) constitutes a breach of, or default under, an Act or other law; or
- (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
- 40
- (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or

- (d) constitutes a civil or criminal wrong; or
- (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
- 5 (f) releases a surety or other obligee wholly or in part from an obligation.

5—Regulations

- 10 (1) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
- (2) A provision of a regulation made under subclause (1) may, if the regulations so provide, take effect from the commencement of this subclause.
- 15 (3) To the extent to which a provision takes effect under subclause (2) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
 - 20 (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

Part 37—Amendment of *South Australian Multicultural and Ethnic Affairs Commission Act 1980*

261—Amendment of section 6—Constitution of Commission

- (1) Section 6(1)—delete "Governor on the nomination of the"
- 25 (2) Section 6(3)—delete "In selecting nominees for appointment to the Commission the Minister should" and substitute:

The Minister should, in making appointments under this section,

- (3) Section 6(3)—delete "those who come under consideration" and substitute:

persons appointed to the Commission

- 30 (4) Section 6(7)—delete "Governor" and substitute:

Minister

262—Amendment of section 7—Remuneration of members

Section 7—delete "Governor" and substitute:

Minister

267—Substitution of Part 2 Divisions 2, 3 and 4

Part 2 Divisions 2 to 4—delete Divisions 2 to 4 (inclusive) and substitute:

Division 2—Constitution of Commission

6—Constitution of Commission

- 5
- (1) The Commission will be constituted of the Chief Executive Officer (*CEO*) of the Commission.
 - (2) The CEO will be appointed by the Governor, on the recommendation of the Minister, on terms and conditions determined by the Governor.
 - (3) The CEO is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.
- 10

7—Acting CEO

- 15
- (1) If the CEO is temporarily absent or unable to perform official functions, the Minister may appoint an Acting Chief Executive Officer (*Acting CEO*) to act in the office of the CEO and a person so appointed has, while so acting, all the functions and powers of the CEO.
 - (2) The terms and conditions of appointment of an Acting CEO will be as determined by the Minister.
 - (3) The Acting CEO is a senior official for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.
- 20

8—Ministerial control

- 25
- (1) The Commission is subject to control and direction by the Minister.
 - (2) No Ministerial direction can be given to suppress information or recommendations from a report by the Commission under this Act.
 - (3) The Commission must, in relation to each financial year, enter into a performance agreement with the Minister setting performance targets for the Commission that the Commission is to pursue in that financial year.
 - (4) A Ministerial direction given during a particular financial year and the performance agreement for a particular financial year must be published in the report of the Commission for that financial year.
- 30

Division 3—CEO

9—Conditions of appointment

- 35
- (1) The CEO will be appointed for a term, not exceeding 5 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
 - (2) The Governor may remove the CEO from office—
 - (a) for misconduct; or

- (b) for failure or incapacity to carry out the duties of his or her office satisfactorily; or
- (c) if serious irregularities have occurred in the conduct of the Commission's affairs.

5 (3) The office of the CEO becomes vacant if the CEO—

- (a) dies; or
- (b) completes a term of office and is not reappointed; or
- (c) resigns by written notice to the Minister; or
- (d) is convicted of an indictable offence; or
- 10 (e) is removed from office under subsection (2).

10—Saving provision

An act of the Commission is not invalid by reason only of a defect in the appointment of the CEO (or Acting CEO).

11—Delegation

- 15 (1) The CEO may, by instrument in writing, delegate any of the Commission's or CEO's functions or powers.
- (2) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (3) A delegation—
 - 20 (a) may be made subject to conditions and limitations specified in the instrument of delegation; and
 - (b) is revocable at will and does not derogate from the power of the delegator to act in any matter.
- (4) A delegate must not act in any matter pursuant to the delegation in
25 which the delegate has a direct or indirect pecuniary or personal interest.
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (5) It is a defence to a charge of an offence against subsection (4) to
30 prove that the defendant was, at the time of the alleged offence, unaware of his or her interest in the matter.

12—Staff and resources

The CEO is responsible for managing the staff and resources of the Commission.

268—Amendment of section 19—Functions of Commission

- 35 (1) Section 19(1)(b)—before "regional tourism" insert:
events and festivals,

(2) Section 19(1)—after paragraph (b) insert:

(ba) to promote such events, festivals or other activities in the State as are consistent with the object of this Act;

(3) Section 19(1)(k)—delete "that are consistent with the objects" and substitute:

, or conferred on the Commission under another Act, that are consistent with the object

269—Amendment of section 20—Powers of Commission

Section 20(2)(e)—delete "(consisting of directors, other persons or a combination of directors and others)"

270—Amendment of section 25—Protection of names

Section 25(3), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$10 000.

271—Amendment of section 26—Regulations

Section 26(2)—delete "a division 7 fine" and substitute:

\$2 500,

272—Transitional provisions

(1) In this section—

board means the board of directors established as the governing body of the Commission under the principal Act;

Commission means the South Australian Tourism Commission established under the principal Act;

principal Act means the *South Australian Tourism Commission Act 1993*.

(2) A member of the board ceases to hold office on the commencement of this subsection.

(3) The person holding office as the Chief Executive Officer under the principal Act immediately before the commencement of this subsection will, on that commencement, be taken to have been appointed as the Chief Executive Officer to the Commission under Part 2 of the principal Act (as amended by this Act) on the same terms and conditions, and for the balance of the term of appointment, applying to the Chief Executive Officer immediately before that commencement.

Part 39—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

273—Repeal of section 29

Section 29—delete the section

274—Amendment of section 31—Advisory committees

Section 31—delete "other"

275—Amendment of section 32—Terms and conditions of office

Section 32(1)—delete "by or"

276—Transitional provision

5 A member of the Eight Mile Creek Water Conservation and Drainage Advisory
Committee ceases to hold office on the commencement of this section.

Part 40—Amendment of *State Lotteries Act 1966*

277—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *Authority* insert:

10 *Commissioner* means the Commissioner appointed to the Commission under
section 4 and includes an Acting Commissioner appointed under section 9;

(2) Section 3(1), definition of *member*—delete the definition

(3) Section 3(1), definition of *presiding member*—delete the definition

278—Amendment of section 4—Constitution of Commission

(1) Section 4(5)—delete subsection (5) and substitute:

15 (5) The Commission will be constituted of a Commissioner appointed by
the Governor.

(2) Section 4(8)—delete "member of the Commission" and substitute:

the Commissioner

279—Amendment of section 5—Term of office of Commissioner

20 (1) Section 5(1)—delete "A member" and substitute:

The Commissioner

(2) Section 5(2)—delete "a member" and substitute:

the Commissioner

(3) Section 5—after subsection (2) insert:

25 (3) The Commissioner is a senior official for the purposes of the *Public
Sector (Honesty and Accountability) Act 1995*.

280—Substitution of sections 6 and 7

Sections 6 and 7—delete the sections and substitute:

6—Removal from office

30 (1) The Governor may remove the Commissioner from office on the
recommendation of the Minister.

(2) The Minister may recommend the removal of the Commissioner on
any ground that the Minister considers sufficient.

281—Amendment of section 8—Vacancy in office of Commissioner

- (1) Section 8(1)—delete "The office of a member shall become" and substitute:
The office of the Commissioner becomes
- (2) Section 8(1)—delete "the member" wherever occurring and substitute in each case:
5 the Commissioner
- (3) Section 8(1)—delete "the member's" wherever occurring and substitute in each case:
the Commissioner's
- (4) Section 8(1)(c)—delete "section 7" and substitute:
section 6
- (5) Section 8(1)(d)—delete paragraph (d)
- (6) Section 8(2)—delete "a member" wherever occurring and substitute in each case:
the Commissioner
- (7) Section 8(2)—delete "the member" and substitute:
the Commissioner
- (8) Section 8(2)—after "his" insert:
15 or her

282—Substitution of section 9

Section 9—delete the section and substitute:

9—Acting Commissioner

- (1) If the Commissioner is temporarily absent or unable to perform
20 official functions, the Minister may appoint an Acting Commissioner
to act in the office of the Commissioner and a person so appointed
has, while so acting, all the functions and powers of the
Commissioner.
- (2) The terms and conditions of appointment of an Acting Commissioner
25 will be as determined by the Minister.
- (3) The Acting Commissioner is a senior official for the purposes of the
Public Sector (Honesty and Accountability) Act 1995.

283—Amendment of section 11—Validity of acts of Commission

30 Section 11—delete "any member" wherever occurring and substitute in each case:
the Commissioner

284—Repeal of section 12

Section 12—delete the section

285—Insertion of section 18C

After section 18B insert:

18C—Tax and other liabilities of Commission

- 5 (1) Except as otherwise determined by the Treasurer, the Commission is liable to all such rates (other than rates that would be payable to a council), duties, taxes and imposts and has all such other liabilities and duties as would apply under the law of the State if the Commission were not an instrumentality of the Crown.
- 10 (2) Except as otherwise determined by the Treasurer, the Commission is liable to pay to the Treasurer, for the credit of the Consolidated Account, such amounts as the Treasurer from time to time determines to be equivalent to—
- 15 (a) income tax and any other taxes or imposts that the Commission does not pay to the Commonwealth but would be liable to pay under the law of the Commonwealth if it were constituted and organised in such manner as the Treasurer determines to be appropriate for the purposes of this subsection as a public company or group of public companies carrying on the business carried on by the Commission; and
- 20 (b) rates that the Commission would be liable to pay to a council if the Commission were not an instrumentality of the Crown.
- 25 (3) Amounts determined by the Treasurer to be payable under subsection (2) must be paid by the Commission at the times and in the manner determined by the Treasurer.
- (4) This section does not affect any liability that the Commission would have apart from this section to pay rates to a council.
- 30 (5) In this section—
council means a council within the meaning of the *Local Government Act 1999*;
liability includes contingent liability.

286—Amendment of section 19—Offences

35 Section 19(9) and (9b)—delete "Chief Executive" wherever occurring and substitute in each case:

Commissioner

287—Amendment of section 20—Regulations

Section 20—after subsection (3) insert:

- 40 (4) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.

- (5) A provision of a regulation made under subsection (4) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (6) To the extent to which a provision takes effect under subsection (5) from a day earlier than the day of the publication of the regulation in the Gazette, the provision does not operate to the disadvantage of a person by—
- (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

288—Transitional provision

A member of the Lotteries Commission of South Australia ceases to hold office on the commencement of this section.

Part 41—Amendment of *Supported Residential Facilities Act 1992*

289—Amendment of section 3—Interpretation

Section 3, definition of *the Advisory Committee*—delete the definition

290—Repeal of Part 3 Division 2

Part 3 Division 2—delete Division 2

291—Repeal of section 19

Section 19—delete the section

292—Amendment of section 25—Matters to be considered in granting a licence

Section 25(1)(e)—delete paragraph (e)

293—Amendment of section 29—Licence conditions

Section 29(4)—delete subsection (4)

294—Amendment of section 57—Regulations

Section 57(4)—delete subsection (4)

295—Transitional provisions

- (1) In this section—
- principal Act* means the *Supported Residential Facilities Act 1992*.
- (2) A member of the Supported Residential Facilities Advisory Committee ceases to hold office on the commencement of this subsection.
- (3) A member of the panel established under section 19 of the principal Act as in force immediately before the commencement of section 291 of this Act ceases to hold office on the commencement of this subsection.

Part 42—Amendment of *Training and Skills Development Act 2008*

296—Amendment of section 4—Interpretation

Section 4(1), definition of *reference group*—delete the definition

297—Amendment of section 10—Functions of Commission

Section 10(3)(b)(i)—delete ", reference group"

298—Repeal of Part 2 Division 3

Part 2 Division 3—delete Division 3

299—Repeal of section 68

Section 68—delete the section

300—Amendment of section 79—Regulations

Section 79—after subsection (2) insert:

- (3) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.
- (4) A provision of a regulation made under subsection (3) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.
- (5) To the extent to which a provision takes effect under subsection (4) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.

301—Repeal of Schedule 1

Schedule 1—delete Schedule 1

302—Transitional provisions

- (1) A member of a reference group established under Part 2 Division 3 of the *Training and Skills Development Act 2008* as in force immediately before the commencement of section 298 of this Act ceases to hold office on the commencement of this subsection.
- (2) A member of a panel established under Schedule 1 of the *Training and Skills Development Act 2008* as in force immediately before the commencement of section 301 of this Act ceases to hold office on the commencement of this subsection.

Part 43—Amendment of *Urban Renewal Act 1995*

303—Amendment of section 7—Committees and subcommittees

- (1) Section 7(1)—delete subsection (1)
- (2) Section 7(2)—delete "other committees and subcommittees" and substitute:
5 committees and subcommittees for the purposes of this Act

304—Transitional provision

A member of an advisory committee established under section 7(1) of the *Urban Renewal Act 1995* as in force immediately before the commencement of section 303 of this Act ceases to hold office on the commencement of this section.

Part 44—Amendment of *Wilderness Protection Act 1992*

305—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *owner* insert:
Parks and Wilderness Council means the Parks and Wilderness Council
established under the National Parks Act;
- 15 (2) Section 3(1), definition of *the Wilderness Advisory Committee*—delete the definition
- (3) Section 3(1), definition of *the wilderness code of management*—delete "adopted by
the Minister"

306—Amendment of heading to Part 2 Division 2

Heading to Part 2 Division 2—delete "The Wilderness Advisory Committee" and
20 substitute:

Functions of Parks and Wilderness Council under this Act

307—Repeal of sections 8 to 10

Sections 8 to 10 (inclusive)—delete the sections

308—Amendment of section 11—Functions of Parks and Wilderness Council under this Act

- 25 (1) Section 11(1)—delete "Committee" wherever occurring and substitute in each case:
Parks and Wilderness Council
- (2) Section 11(2)—delete subsection (2)

309—Amendment of section 12—Wilderness code of management

- 30 (1) Section 12(1)—delete subsection (1) and substitute:
 - (1) The code of management of wilderness protection areas and
wilderness protection zones in force immediately before the
commencement this subsection continues.

(1a) The code of management may be varied or substituted at any time by the Minister in accordance with the requirements and procedures set out in this section.

(2) Section 12(3)—delete subsection (3) and substitute:

(3) The Parks and Wilderness Council must, at the request of the Minister and in consultation with the Director, prepare a draft variation or substitution of the code of management (a *draft code*) for submission to the Minister.

(3a) The Minister must, on receipt of a draft code, give public notice specifying—

(a) an address at which copies of the draft code may be inspected or purchased; and

(b) an address to which submissions in connection with the draft code may be forwarded.

(3) Section 12(4)—delete "draft code of management" and substitute:
draft code

(4) Section 12(6)—delete "code to the Wilderness Advisory Committee" and substitute:
draft code to the Parks and Wilderness Council

(5) Section 12(7)—delete "Committee" and substitute:
Parks and Wilderness Council

(6) Section 12(8)—delete "of management" wherever occurring

(7) Section 12(8)—delete "Wilderness Advisory Committee" wherever occurring and substitute in each case:

Parks and Wilderness Council

(8) Section 12(9)—before "code of management" insert:
revised or substituted

(9) Section 12(10)—delete "adopted under this section" and substitute:
as in force at that time

(10) Section 12(11)—delete subsection (11)

310—Amendment to section 13—Appointment of wardens

Section 13(7)—delete "*Petroleum Act 2000*" and substitute:

Petroleum and Geothermal Energy Act 2000

311—Amendment of section 22—Constitution of wilderness protection areas and wilderness protection zones

(1) Section 22(6)(b)—delete "Wilderness Advisory Committee" and substitute:
Parks and Wilderness Council

- (2) Section 22(6)(b)—delete "Committee" second occurring and substitute:

Council

- (3) Section 22(6)(c)(ii)—delete "Committee's" and substitute:

Parks and Wilderness Council's

- 5 (4) Section 22(6)(d)—delete ", the South Australian National Parks and Wildlife Council"

- (5) Section 22(6)(f)—delete "Wilderness Advisory Committee" and substitute:

Parks and Wilderness Council

- (6) Section 22(6)(f)—delete "Committee" second occurring and substitute:

Council

10 **312—Amendment of section 28—Control and administration of wilderness protection areas and zones**

Section 28(9)—after "National Parks Act" insert:

or to the Minister

313—Repeal of section 30

- 15 Section 30—delete the section

314—Amendment of section 31—Plans of management

- (1) Section 31(11)—delete "Wilderness Advisory Committee" and substitute:

Parks and Wilderness Council

- (2) Section 31(12)—delete "Committee" and substitute:

20 Parks and Wilderness Council

- (3) Section 31(13)—delete "Wilderness Advisory Committee" wherever occurring and substitute in each case:

Parks and Wilderness Council

25 **315—Amendment of section 33A—Co-management of wilderness protection areas or zones**

- (1) Section 33A(6)(b)(i)—delete "Wilderness Advisory Committee" and substitute:

Parks and Wilderness Council

- (2) Section 33A(6)(b)(i)—delete "Committee" second occurring and substitute:

Council

- 30 (3) Section 33A(6)(b)(ii) and (iii)—delete "Committee's" wherever occurring and substitute in each case:

Parks and Wilderness Council's

- (4) Section 33A(6)(b)(iv)—delete "Wilderness Advisory Committee" and substitute:

Parks and Wilderness Council

(5) Section 33A(6)(b)(iv)—delete "Committee" second occurring and substitute:

Council

316—Amendment of section 38A—Entrance fees etc for wilderness protection areas or zones

5 Section 38A(3)—delete subsection (3) and substitute:

(3) A fee payable under subsection (1) must be paid to—

(a) the Trust established for the area or zone under the *National Parks and Wildlife Act 1972*; or

10 (b) if no Trust has been established under that Act for the area or zone—the Minister (who must pay the amount into the General Reserves Fund continued in existence under the National Parks Act).

317—Amendment of section 41—Regulations

Section 41—after subsection (3) insert:

15 (4) The Governor may, by regulation, make additional provisions of a saving or transitional nature consequent on the enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2014*.

20 (5) A provision of a regulation made under subsection (4) may, if the regulation so provides, take effect from the commencement of this subsection or from a later day.

25 (6) To the extent to which a provision takes effect under subsection (5) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—

(a) decreasing the person's rights; or

(b) imposing liabilities on the person.

318—Transitional provision

30 A member of the Wilderness Advisory Committee ceases to hold office on the commencement of this section.